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BY
WM. L. McDOWELL

Vol. 8

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B. P. R. O. Prop.s B. I. Vol 10 2 202

(April 1720

To the Hon.ble Robert Johnson Esq. Govern.r of South Carolina.

9t
12 Dec.
1719.

An Exact acct of the late Expedition against the Yamasees and Spaniards of St Augustine performed by 50 Indians, Malin a Whiteman & Musgrove & Griffin half breed or Mustees under y.e Leading of Oweeka a Creek Indian their Generall Kelly his Second a Palachucola Indian

On the 28.th of September they gett out From y.e Water passage Fort in Seven canoas well filled with Ammunition & provisions and other necessarys according to y.e Hon.ble orders to me and Arrived att St Juans on Saturday y.e 10.th of 8.ber where having left their canoas they travelled by land to St Augustine w.ch is ab.t 50 mile distant but they took a long Circuitt thro y.e woods to avoid discovery & having travelled night and day they gott to y.e Indian towns 4 hours before day on Munday y.e 12.th Instant & having sent out their Spys or Scouts one of w.ch having a wife & family in y.e Pocotallago town, Fearfull least they Shuld miscarry in y.e assault went to his house and took out his famaly who likewise haveing Friends being Creeks & liveing am.g y.e Yamasees gave them notice to escape w.ch could

1720. April — December

could not be so secreatly done but most of ye Yamasees took ye alarm

Now ye Pilot was faithfully promised by ye Generall & ye whole Company that none Shu'd goe to his house but himself & yt if any of his family was taken he Shu'd have them again, but his doeing as he did had liked to prove fatall to them all for ye Spaniards all St Augustine had Imediate notice being but 3 miles of ye Pocotallagas

As soon as ye Scouts returned, they devided their body into three parts and fell on three towns all once but did not take above 24 prisoners & Killed 5 or 6 Indians by reason of ye St discovery but they burnt all the provision & houses & took a good deal of plunder. Sulomata one of ye towns was wth in a mile of ye Castle of St Augustine being youthaw Indians and burnt a fine church there ye Fryer Escapeing but some of his domesticks and his plate & ye plunder of his house (wch escaped burning) fell into their hands, ye Fryers name is Pedro de la Lastras.

The Indians Appointed to Randeevous all ye Palatchee from being informed that those Indians would revolt & Joyn them but when they came there they found it deserted upon which they sett fire to their corn houses & round house this town is four mile from St Augustine,

by

by this time the Sun being two howrs high they Spyed 50 or 60 Spaniards in full march after them. The Indians haveing taken a Spanish prisoner before, they sent him with a flagg of truce to meett y^e Spaniards & tell them know they had noe quarrell w^th^ them but that they came, to kill y^e Yamasees that had lately taken M^r Burrows & murdered their Friends y^e English & that they wanted to parly with y^e Spaniards

It Seems by good look for us Some of our Indians had Stript y^e Spaniard that carried y^e flagg of truce, Stark naked, Soe when he came up in y^t condition to y^e Spanish body, they thought he was sent in Contempt of them & would not hearken to him but Imediatly fired a volly all y^e Indians the all 400 yards distance y^e Indians finding that they must loose their Slaves & plunder if they fled devided into two bodys & being nimble & light armed fell on y^e two Flanks of y^e Spaniards w^ch^ kept in a close body & heavily armed made but a Sorry defence & had 14 killed & about 10 taken prisoners in the retreat - Seven of whom they Stripped & sent back again & three they brought away with them and on Sunday y^e 25^th^ Instant two of y^e Conos w^th^ about 12 Slaves & 2 Spaniards were brought to my house, one of them Seem to be a mestizo & in truth y^e other is not

not white but being a liver in St Augustine for 16 years & has a wife & 8 Children there I told ye Indians to carry him to ye Hon: they would have left him wth me but he being naked & I having no cloathing to give him, I told them to carry him to town.

Next day King Gilbert wth ye Coosaboys & Tuskeroros came in but my waiting for ye scout boat I lent the breeks wherein they say is a French prisoner, is ye reason I deferred to writt to ye Hon: beleiving to be by him better informed abt ye French privateer ye is all St Augustine he belonging to it as ye Spaniards told me but I have noe news of them as yett.

The prisoners tells me Capt Burrows comeing to St Augustine wth ye Hon: letters before ye Kuspa King had brought in his wife they took him for a Spy & made him & his men close prisoners but when his wife was brought in they released him & that they were both togeather in Capt Romo's House that he had be very ill but was on ye mending hand, & as soon as he was in a Condition to putt to sea he was to come away.

They tell me that it was but twelve days before they were taken ye Mrs Burrows was brought in, that Mrs Mrs Lord & Burrows's Child & his man Marcus & ye

yt Indian woman were all murdered not being able to travell.

That one Monsieur La Hay a French privateer had brought in three prizes into St Augustine wch were loaden wth Sugar Cotton & Mollosses that yt three English Comanders & 21 Saylors were prisoners there that he designes to Cruise out of St Augustine he had 80 men he came in a Sloop but was one of yt prizes being a Ship of 20 guns that Mr La Hay being at St Augustine bragged he would kill all yt Indians & Syned yt Spaniards wth 11 of his best men, one of yt Spaniards says 11 but yt Indians is bringing one in, & yt Spanish priond says he saw one Frenchman killed abt 16 Leeks yt lived amt yt Yamasees are come away & they sent word yt they will not leave one alive that does not come away I congratulate wth yt hont this dawning of quietness to our poor Southern parts & remain Yt obedient Servt

Jno Barnwell

The Examination

The Examination of Antonio Eleanore a Spaniard belonging to St Augustin, and brought hither by our Indians taken Before The Honorble The Governour and Council On tuesday ye 10th Novemr 1719

Being Askt whether he heard of any design the Govern of St Augustin of Attacking this place. He Answered he knew of none And what was become of the fleet that was fitted out at ye Havana to fall upon this Settlement Answered that they were designed for Pansicola & Mobille, and that he heard nothing of their coming to this Place. that he heard by an Express Sent to the the Govern of St Augustin from the Apalachese, that the french had taken Pansicola but since heard twas retaken by the Spaniards, but knew nothing more till his Coming into this Settlement, where he heard twas retaken again by the french, & now in their possession, and that he never heard of any Spaniards, Or Soldiers that was Obliged to fly into the woods to Save themselves.

And Being askt how farr the distance was between Pansicola and St Augustin Answeres he beleived twas about Eighty Leagus from Pansicola to the Apalachys and about as farr from thence to St Augustin, that at the Apalachys there is a fort named St Mark in which

which there was about 25 men and an Officer And being asked whether the River to St Mark was Navigable for Vessells, Answered only for Boats & Canoes, being there, about twelve Year Ago, And Stayed there four days

Being Asked how many Spaniards were Setled at the Chalahuchy River, Answered he Knew of no Settlement there, neither Spaniards or french.

And being Asked what Indians those were that Lately brought into St Augustin A White Woman Answerd that twas the Huspa Hullalls and his people & they gave the Govern^r An Acct that they had killed a Woman and two Children, that the Huspa King is Setled about five Leagues beyond St Augustin, & that he Seldome came thither but when he wants Provision or Ammunition & that when he talks of going to one place he Comonly goes to Another and that those Indians are rather a burden to them then any help

Being ask, what number of Indians are Setled about St Augustin & what Nations they were, Answerd the Yamasees about Sixty men Cattapaws about twelve men, the Cascalers about thirty men the Wahaws twenty five men.

And being asked what number of men at St & Some other questions Answer that the Garrison consists of

of two hundred & fifty foot & fifty horse & that there were about One hundred more in the place, but most of them were old and Unfit for Service, & that they were all very well Supplied with Arms & Amunition that there was in yt castle fourty barrels and fourty chests of Powder, of one hundred weight each, and of Shott, A great quantity that there was in the Garrison & castle three months Provision Vizt flowre & Indian corn but had no Salt or meat kind, that they were supplied wth corn from Mexico & de Pueble

Being Asked what was the Strength of yt castle at St Augustin Answerd In the castle was fourty Guns in yt upper Tare In the Platform Six Iron Guns of Sixteen pounders, of those In the castle there was twenty Six Iron Guns, Some of twenty Pounders & some thirty Pounders, & fourteen brass Guns of twelve to Six-teen pownders & three of four pounders, & One Extraordinary large Gun that he knew not what Shot it carryed. That the Guns to yt Land are about thirty foot from the Ground, that the ditch round the same is was twenty foot wide & ten foot deep, & that by the con-veniency they made, can fill the ditch at any time with Water That the castle & likewise the foundation is of Stone, but the Ground about it Sandy

being

being asked whether the castle was Bomb proof. Answerd that there were Severall Vaults made to Secure their Powder &c but they were irregular & did not believe twas Bomb Proof being Asked, whether there was any Bay near St Augustin where Ships of force may harbour, Answerd now nearer then St Juans, which place is about twelve Leagues frō St Augustin & what Vessells there were in St Augustin harbour Answer'd that there was a Ship of about twelve Guns & Eighty men Comanded by one Mons.r Le Haes a frenchman, who Acts by a Comission from the vice Roy of Mexico, who had brought into that Port two Briganteens & a Sloop Loaden wth Rum Sugar Mellasses & flower and that he was ready to Saile from thence the twelfth of October Our Stile, the time that the Indians Attaqued the Spaniards, when he was taken Prisoner.

And being asked how long twas since they heard from the Havana Answerd twas near four months and that Once in Six Months they Supplyed the Garrison with flower, & that about Six months afterwards, A Vessell comonly came there with their Pay

being asked, whether he heard of any design, or forces raising by y.e vice Roy of Mexico in Order to

Attack

Attack the English or french Settlements In America, Answer'd that he heard of none. Only that they had news at St Augustin, that the Vice Roy of Mexico intended to reinforce that Garrison with One hundred Soldiers.

This Account was Sworn to before the Governour & Councill By the aforementioned Antonio Elenore, he making ye Sign of the Cross with his finger & thumb, and Declared Body of God, that the Contents was true According to the best of his knowledge

Recd April 29th } 1720
Read 3d May }

B. P. R. O Propr. B I Vol 10 2. 203

(June 16. 1720)

A True State of the Case between the Inhabitants of South Carolina, and the Lords Proprietors of that Province; containing an Account of the Grievances under which they labour

That his late Majesty King Charles the Second, by his Charter dated the 24th. of March, in the 15th. Year of his Reign, granted unto the Lords Proprietors, and to their Heirs and Assigns, the Province of Carolina, with Privileges and Jurisdictions requisite for the Government, and Safety thereof, and made them absolute Lords and Proprietors of the same; who having besought leave of his Majesty, by their Industry and Charge, to transport and make a Colony of his Majesty's Subjects into the said Country (at that time inhabited only by People who had no Knowledge of God) being thereunto excited with Zeal for the Propagation of the Christian Faith, and Enlargement of his Majesty's Dominions; as is amply set forth in the said Charter.

Notwithstanding which the Lords Proprietors have not to this Day been at any Charge, or used any Endeavours to propagate the Gospel amongst the said barbarous People; neither have they been industrious at their Charge to

to transport and make a Colony of his Majestys Subjects in the said Province; but have hindred the peopling the same by violating their Covenants made with them, who by their Promises were invited to be at the charge of transporting themselves thither.

And the one principal design of his said Majesty, in granting the said Charter, was for the good Government and Safety of his Subjects in the said Province; yet the Lords Proprietors have so abused the Trust and Confidence thereby reposed in them, by their confused Administration over his present Majestys Subjects there, that they are neither safe in their Liberties or Properties, the Government being abandoned to evil Ministers, and the Inhabitants exposed to Ravages of most barbarous Enemies

That the Lords Proprietors were by their Charter Impower'd to build and found Churches, Chappels, and Oratories within the Bounds of the said Province, and to cause them to be consecrated according to the Ecclesiastical Laws of England, with full Privileges, Prerogatives, and Franchises necessary for the same; yet they have not to this Day erected any Church, Chappel, or Oratory, for Divine Worship, nor any School for the Education of Youth in the Principles of the Christian Religion; nor procured the Consecration according to the Ecclesiastical Laws of England,

of

of any of those built by the Inhabitants.

That the Lords Proprietors are by the said Charter impower'd to confer Titles of Honour upon such of the Inhabitants there, as were capable of the same, and who for their Deserts might expect the same; but instead thereof, they sent over Blank Patents to their Governour and Receiver General, for creating Landgraves and Cassiques, in order to have them sold at a certain Price; So that the Persons intitled by their Deserts to any Marks of Honour, thought this Procedure so mean, that it was beneath them to accept thereof.

That the Lords Proprietors are by the said Charter impower'd to erect with the said Province, such Forts, Castles, Cities, Towns, Boroughs, Villages, and other Fortifications, and the same to furnish with Ordnance and other Habiliments of War, for the Safety and Welfare of the said Province; but the Lords Proprietors have never set apart any of their Lands for erecting Towns, Villages, or Fortifications, nor contributed a Penny towards the raising any Forts, or other Fortifications, which the Inhabitants, almost to their Ruin, have been obliged to build; otherwise, by the Incapacity of the Lords Proprietors to assist them, that part of his Majestys Dominions had been lost to this Empire.

That

That the Lords Proprietors, contrary to expresse Powers in their Charter, not to make any Laws in the said Province, but what were consonant to Reason, and as neare as might be agreeable to the Laws of England, and so not to extend to the binding, charging or taking away of the Right of any Person or Persons in their Goods or Chattels; yet they did in the year 1704, under their Hands and Seals, ratify two Acts of Assembly of that Province. One entituled, An Act for establishing religious Worship in that Province, according to the Church of England, and for erecting Churches for the publick Worship of God, and also for the Maintenance of Ministers and building Houses for them, wherein they established a Commission for displacing of Rectors or Ministers there, and the other entituled, An Act for the more effectual Preservation of the Government of that Province, by requiring all that should be chosen Members of the Commons House of Assembly, and sit there, to take the Oaths, and subscribe the Declaration appointed by that Act, and to conform to the religious Worship of that Province; by which Act a great part of the Inhabitants were excluded from being Members of the Assembly. And tho it was represented to the Proprietors, that corrupt Practices were used by their Government to have those Acts passed, that is was contrary to

to the Rights and Liberties of his Majesty's Subjects; yet they refused any Redress, untill Application was made to the House of Lords of England, who after weighing the Nature of the said Acts, addressed her late late Majesty Queen Anne, setting forth, that the first Act was not warranted by the Lords Proprietors Charter, being not consonant to Reason, but repugnant to the Laws of England, and destructive to the Constitution of the Church of England; and that the later was founded upon Falsity in Fact, repugnant to the Laws of England, contrary to their Charter, an Incouragement to Atheism and Irreligion, destructive to Trade, and tending to depopulate and ruin the Province; and besought her Majesty to deliver the said Province from the arbitrary Oppression under which it lay, and to order the Authors thereof to be prosecuted: Which Matter being referred to the Lords Commissioners of Trade, they, May 24. 1706 represented to Her Majesty, That the making such Laws was an Abuse of the Powers granted the Lords Proprietors by their Charter, and a Forfeiture of such Power; and humbly offer'd to her Majesty, that she would be pleased to give directions for reassuming the same into her Majesty's Hands. Which Representation her Majesty approved the 10th of June and declared the Laws mentioned therein should be made void by the Powers that made them; and order'd that

that for the more effectual proceeding against the said Charter Mr Attorney and Mr Sollicitor Generall should inform themselves concerning what might be most necessary to effect the same

That by the said Charter, his then Majesty saved the Faith, Allegiance, and sovereign Dominion due to him, his Heirs and Successors, for the said Province, and the Right and Interest of the English Subjects in the same, and declares them Liege People of the Crown of England, and to have right to all the Libertys of Englishmen, born in England; yet the Lords Proprietors have assumed a despotic Authority, exceeding the Royal Power in Great Britain, in repealing and abrogating, by themselves alone, several beneficial Laws, after a most solemn Ratification of the same by their Deputies, with the Consent of the Representatives of the Freemen met in Assembly; and thereby trampling upon the Rights and Liberties of his Majesty's Subjects And this sometimes is done by two or three of the Proprietors, who have Proxies from the absent ones, or from the Guardians of those under Age, tho the same Proprietors, or Guardians, give Proxies to their Representatives in this Province, who on their behalfs ratify the said Laws, contrary to any Power in their Charter, endangering the Safety of his Majestys Subjects there, and the Derogation of

of the usual Method theretofore practised in the like Cases; tho their Deputies and Freemen there never denied to repeal any Laws when recommended by the Proprietors. This, with the Uncertainty of Administration of the Government, by reason of several Alterations from time to time in the same, hath put us under unspeakable Hardships, destroying all publick Credit, so necessary here to defend us against our Enemies, and defeating Measures taken for the Preservation and good Government of the Province.

That the Exercise of their Government is injurious to his Majestys Subjects; for that they whose Powers and Prerogatives are united in them all, not to be disjointed, take upon them to send a Governour, as the Palatines Deputy, and each other Proprietor a Deputy, which vote as a Council of the Province; a Body which in all other his Majestys Colonies is formed to be a Barrier between the Governour and People. But here they are wholly dependent upon their Constituents, and think themselves obliged to carry every thing in favour of the Proprietors, and obliged by an Oath to do nothing repugnant to their Interests, without any regard to the publick Good of the Colony. And when any of their Deputies vote against them, or their Governours private Interest, they are turned out. These Deputies have power to reject any Law, but if it passes them, the

Governour

Governour pretends another Negative upon them; and sometimes a Negative hath been appointed upon the Governour; And the Lords Proprietors assume a Power of repealing those Acts ratified by their Governour and Deputies. So that the Lords Proprietors, who by their Charter ought to have but one, assume three and four Negatives upon the Laws agreed to by the Assembly; and having no Council between them and the People, they suffer no Law to pass, or any longer to be in force, than suits with their private Views, to the loss of publick Credit, and destruction of the Liberties and Properties of his Majesty's Subjects.

That they are impower'd by their Charter to erect Cities, Boroughs, Towns or Villages, by granting Charters of Incorporation to any Body of People; yet they have neglected so to do, neither have they settled any County Jurisdiction, Court Baron or Court Leet, for the Conservation of the Peace of this Colony, but have abandoned all to disorder and confusion, under the Management of one Person, who solely holds all Courts of Kings Bench, Common Pleas and Exchequer, Assize, County Courts, and Sessions, in Charles Town, the only Place of Judicature in the whole Province; who makes what Lawyers, and takes what Fees he pleases, summoning all Parties to attend his Courts: No Appeals but from himself to himself, nor any Method of Appeals settled to his Majesty and

Council

Council, as in other Colonies: No Process issues in his Majesty's Name, all the Officers taking what Fees they please: he adjourning Courts, and putting off Tryals, to multiply his Perquisites, which are arbitrary; daily exacting new Fees, undertaking himself to draw Writings, and after judging of the Validity of them; sending for the Lawyers, and giving secret Advice to them and their Clients: and insists that no Authority there can call him to account, or remove him, nor the Proprietors themselves, unless proved guilty of Misdemeanours before them in London, he having Words in his Commission to that purpose. But the Lords Proprietors have had no regard to the publick or private Persons injured by him, and would not be induced to remove him.

That when in 1715 the Yamasee Indians had, at the Instigation of the Spaniards at St Augustine, cruelly massacred his Majestys Subjects in those Frontiers, and committed most barbarous Depredations in the Heart of the Settlement, upon being repulsed, the Spanish Garison protected them, and bought their Plunder, and furnished them with Arms (tho then at peace with Spain) to renew their Depredations: which being represented to the Proprietors, they never regarded the Lives and Estates of his Majestys Subjects. And it was also represented to them, that the said Garison protected Rebels, Felons, Debtors and Negroes that fled thither; which

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forced

forced us to guard that Frontier in time of Peace; but to no purpose, the Lords Proprietors never giving any Answer to the same

That notwithstanding the great Expence of the War with the Yamasee Indians, which not only preserved the Proprietors Lands not yet settled, but also such Lands as they have appropriated to their own use, they have contributed to no part of the Charge thereof (except about 150 small Arms) and upon Application made to them, declared their Incapacity to assist us.

That when a bloody Indian War broke out at North Carolina, it was insinuated to the Assembly by the Lords Proprietors Deputies, that if they would raise Money, and send Assistance thither, they should be reimbursed out of the Quit Rents; yet notwithstanding that by that Province was saved to the Lords Proprietors, they never to this Day refunded one Penny of all that Expence.

That in 1718. one Thatch, a notorious Pirate, took several Ships trading to this Province, and several of our Inhabitants Prisoners, and went directly to North Carolina, where, under pretence of accepting his Majesty's Pardon, by the Connivance of the Proprietors Governors, in the face of that Government, he committed several Acts of Piracy and several Parcels of Piratical Goods were found in their

Governours

Governours and Secretarys Custody; so that North Carolina became a Nest of Pirates: Of this his Majestys Governour of Virginia complaind to the Lords Proprietors, but they took no notice of the same.

That as soon as we had driven the Yamasees from our Lands, near Port Royal, to strengthen that Frontier, and to encourage new Comers, viz^t in February 1716 two Acts were passed for dividing those Lands amongst Such of his Majesty's Protestant Subjects as should come and settle the same, (exclusive of such as had Lands already in that Province) abstracts of which being sent to Great Britain and Ireland, about 500 of his Majesty's Subjects transported themselves to take the Benefit of the same But all this was interrupted, by the Proprietors repealing these Acts in July 1718. under pretence that the Lands being their own, they would dispose of them as they thought fit; and made a Distribution of the said Lands far short of that made by the said Acts, which the new Comers were forced to comply with, and began their publick Faith, the Proprietors in April 1719. ordered all those Lands to be surveyed for their own use. And tho' they had paid their Purchase Money to the Proprietors Receiver for those Lands, yet are not only refused the having their Titles confirmed, but the said Receiver refuses to

return

retrieve their Money. Hereby the old Setlers in that Frontier, missing the Reinforcement of the new Comers, again deserted their Settlements, and left them open to the Enemy, and the new Comers are reduced to that Want and Poverty, that most of them are daily perishing, having spent all their Substance, and those that have any thing left, removing off the Province.

That notwithstanding many Addresses to the Lords Proprietors, to take some Measures to prevent the French incroaching on this part of his Majestys Dominions, and especially at the beginning of the Treaty of Utrecht, they not only abandoned all by an unaccountable Neglect, but May 1715. the French took possession of Mobile, (which belonged to this Government) and built a Fort there and are since further incroaching, by making Forts at the Mouths of the Rivers belonging to this Province, and arising near our Settlements So that having made themselves Masters of Pansacola, a Spanish Port, they surround this Settlement from the Mountains to the Sea, whereby all the Nations of Indians towards those Points, lately under our Government, are now subjected to the French.

So that by the late Indian War, our subduing the Pirates, a Defensive War against the Spaniards, the Demolition of our Principal Fortifications by Storms, and the

the Expences to repair the same, the vast Presents we are obliged to make the Indians, to keep up a Party amongst them from ~~depending~~ intirely upon the French, and the weak and unsteady Government of the Proprietors who rather oppose than contribute to the strengthning of us, whereby we have lost all Credit, nobody venturing to trust any publick Funds contrived for our Suppot, we are reduced to the last Extremity in Debt, without prospect of extricating our Selves, all our Funds anticipated for several Years to come, our Expences increasing without any View of answering them; which make our Enemies look on us as abandoned People, void of Royal Protection. So that without the Assistance and Government of his Majesty, this hopeful Province will be lost to the British Empire, to the endangering Virginia, and other his Majestys Dominions, and the irreparable Loss of the Beneficial Trade of the same

Recvd 11 June 1720
Read do

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 2.

Carolina June 24th 1720.

Mr Boone,

Sir,

I have writ you very often as to the publick affaires of this Province hope some of mine may gett safe to you and may be of some use towards getting of us relieff.

I am now to acquaint you that very lately we have had a very wicked and barbarous plott of the designe of the negroes rising with a designe to destroy all the white people in the country and then to take the town in full body but it pleased God it was discovered and many of them taken prisoners and some burnt some hang'd and some banish'd.

I think it propper for you to tell Mr Percivall at home that his slaves was the principall rogues and 'tis my opinion his only way will be to sell them out singly or else I am doubtfull his interest in slaves will come to little for want of strict managm^t Work does not agree with them 14 of them are now at the Savanna towne and sent for by white and Indians and will be executed as soon as they come down they thought to gett to Augustine and would

have

have gott a creeke fellow to have been their pylott but the Savana garrison tooke the negroes up half starved and the creeke Indians would not joine them or be their pylots, the warr continues still between the creeks & the charaches which I take to be good news for us the creeks was lately coming downe to assure us of their friendship and was on their way but advice was brought them that the Yamasees was foule of their towns and had killed 7 warriors and many others and taken many prisoners which prevented a number of the Creeks from coming downe into the settlem.t as they proposed.

I gave you account formerly that there was a Tanner & his white serv.t killed by the Indians to the Southward and 12 negroe men carryed them to Augustine which has I imagine given them incouragem.t to come again a plundering for we have now advice that seaven Periogurs are coming from the Yamasees to the Southward a plundering at least but if they can by treachery take part Royall Garrison doubt not but they will doe it I suppose some Span.ds is with them.

I am to informe you that at the same

tyme

tyme the negroes was playing the rogue we had a small war with the Vocamas a nation on Wines river not above 100 men but the gentlemen have paid for it for there is 60 men women and children of them taken and killed and we have not lost one white man only a Wines Indian killed and now they petition for peace which will be granted them. We increase dayly in slaves but decrease in white men a body of white people we expect from Philadelphia but they are at a loss how to gett land they have sent already to view Cape Feare and like it pretty well there is lately a periagur full of white men gon from Charles Towne which is supposed design to turn pyrates I am to acquaint you that from Augustine is lately fitted out nine priviteers which have taken many vessells on this coast the man of war that is now here have retaken one that was charter'd here on Gov^r Johnson and Capt^n Marshall from Providence retook a ship that the Span^ds had taken off Virginia with a good cargoe of dry goods the ship came from White Haven as I take it Gov^r Moores bro: was taken also by the Spaniards going to North Carolina to see his bro: and is now at Augustine

poore

poore Mr. Geo: Livingston's eldest son was also on board the same vessell and we doubt is lost for the privateer put on board a long boat off Cape Hateras 12 leagues 50 soules in one boat and his son we hear was one so that we are afraid they are all drowned.

If his Majty will be pleased to take us under his imediate care it will putt some life in us but if not many of the best and richest Inhitants will leave the country I hope if it please God you gett the Goverm^t in the hands of the crowne you will endeavo^r that we have good officers sent of all sorts then doubtless Caroline will thrive again I expect we shall now have more Pyrates then ever therefore the more occasion of an imediate protection from the best of Princes King George whom God pserve.

[Endorsed]

Recd 16th Augt
Read do } 1720

B. P. R. O. So. Carolina. B. T. Vol. 1.

[18th June 1720]

An act for the better supporting of the publick credit of this Settlement.

Whereas in & by an act now in force in this Settlement entituled an additionall act to an act entituled an act for raising of £70000 in lands & negroes &c. & discharging the publick debts which was passed in open Assembly the 13th day of Febry in the yeare of our Lord 1719 it is amongst other things therein contained provided & enacted That a Tax of £19000 should be equally and indifferently raised & levyed on the Inhabitants of this Settlement on the 1st Tuesday in April 1720 after the manner therein particularly menconed and expresst & that the sd 19000 shall be appropriated to & for such uses as is in the said act set forth & directed.

And whereas the late designed Invasion the Spaniards yr enemies of the Crown of Great Britain in order to subdue this Settlemt & make a Conquest thereof did lay the Inhabitants of the same under an obligation to put ymselves in the best posture of defence they could & to use such meanes for the better strengthning & supporting

yr

y^e^ Settlement against the said intended invasion by building up the fortifications thereof & preparing ships & vessells & other necessary & usefull things for that purpose. And whereas also the daily incursions of our enemy Indians who have already made and still continue their depredations on the inhabitants setled in the out parts of this Colony have contributed to increase the burden of debt which lyes so heavy upon the publick and which is still growing greater and no provision yet made for the discharging thereof And whereas likewise many of the Inhabitants of this Settlem^t^ to whom the publick is indebted on account of what is herein above expressed doe complain that they cannot pay their Taxes which were to have been paid in the month of Aprill last by reason of the scarcity of money and for want of a currency without they are allowed to discount their debts due to them from the publick which being a thing highly just & reasonable and to the end the publick credit may be the better supported for the future when occasion may require Be it therefore Enacted by the Honble James Moore Esq^r^ Gov^r^ by & with the advise & consent of the Counsell and Representatives

of

of the Inhabitants of this Settlement in South Carolina now assembled at Charles Town & by the authority of the same That the sume of Ten thousand pounds applyed & the above recited additionall Act towards sinking of so many Bills of Credit this present year be, and it is hereby appropriated for discounting of all such orders & acc: as are due from the publick & which shall be passed & approv'd of & Order of the House of Comons or Generall Assembly or by virtue of any Law heretofore made, and the Commissioners appointed in the above recited additionall Act for receiving the said Tax this present year are hereby directed & impowered to discount the same accordingly for Tax with any persons that have not yet paid their s[d] p[sent] Tax Any Law Statute Custome or usage now in force in this Settlement to the contrary thereof contained in anywise notwithstanding.

And whereas the circumstances of most of the Inhabitants of y[e] Settlem[t] at this juncture are such that they are not able to pay any further Taxes this present year for the cancelling and sinking of the said sume of Ten thousand pounds Bills of Credit appointed to be sunck by the above recited

additionall

additionall Tax Act and for that by the said
provision is made for raising the sume of £10000
pounds by a Tax to be equally and indifferently
levyed on the estates reall & personall of the
severall Inhabitants living & residing within y^e
settlem^t to be paid to the Commiss^rs therein named
on the 2^nd Tuesday in march 1721. and the further
sume of £10000 on the 2^nd Tuesday in march 1722.
in Rice to be delivered in Charles Town at 30
p^r Ct after the manner as in the said Act is more
fully expresst for cancelling & sinching the sume
of £20000 part of the Bills of Credit now extant
and forasmuch as it is reasonable to expect
that ther will be occasion of making one or
more additionall Taxes to be paid the two a
bove mencioned ensueing yeares for defraying
the contingent charges of this Government which
are uncertain & encrease daily unexpectedly by
reason whereof there is a necessity of prolong-
ing the time of sinking the abovementioned a
£10000 to be made use of this present year for
payment of the publick debts as aforesd now due
Be it therefore further enacted by the authority
aforesd that the sume of £10000 now appointed

to

to be continued & made use of for the purposes aforesd be cancelled & sunk on ye 2d Tuesday of march 1723 by a Tax to be equally & indifferently raised & levyed on the estates of reall & personall of the severall Inhabitants within the Settlement after the same manner and with the same pennalties provisoes orders advantages restitutions & powers as are given to any person or persons in the afore recited additionall Tax Act for the enquiring assessing raising & levying of the said sumes therein mentioned any thing or things in the afore recited Act or any other Acts now in force in this Settlement to the contrary notwithstanding And whereas the time is elapsed which is appointed by the afore recited Act for the Comissioners impowered to receive the Tax to give the Chief Justice the names of such persons who have not duely paid the Taxes according to the assessment for this present year in order to have executions issued out against such defaulters Be it therefore further Enacted by the authority aforesaid that the Chief Justice for the time being at the request of Tax Commissioners be and he is hereby impowered & obliged at any time to grant out

executions

executions against all such persons being defaulters whose names shall be returned to him by the Com.rs aforesd any act Statute custome or usage to the contrary notwithstanding.

Dat. 18 June 1720.

[Endorsed]

Recd 16th augt
Read Do } 1720.

B.P.R.O. A & W.I. Vol. 620

Charles Town 20th July 1720.

Mr Samuel Barons.

Sr we have a report here way of N. England of a Warr wth France wch God forbid, & if so this Country will soon be lost, we are in a very great confusion concerning the Affairs of this Governmt most of the chief men in this Country are resolved not to be under the Governmt of ye Proprietors, wch if they find renewed they are resolved to quit the Country wch will be of the utmost evill consequence; some are already going off & many other of our Princepall Inhabitants are impatient for advises from England if his Majesty will take care of this Country or not, & if speedy care be not taken I see nothing but desolution & destruction must be the consequence

opey. Wee have had such a prodigious dry time as never was known before by any living, not a drop of rain has scrarce fell in most parts of ye Country for Five months, so that People have Planted over again several times & now all most dispaire of makeing any thing, there is abundance of Corn & Provisions already every where incoverably lost, Droves of Cattle dea too & again the Country Dye for want of water,

our

our Rivers being salt; that Corn & Provisions is become already so scarce, that Corn is sold for 50ˢ ₱ Bush.ˡ & small Rice wch used to be of little value for 50ˢ ₱ C. and hardly any to be had; abundance of People are obliged to kill their Cattle & smoke dry it to feed their Negros, all wch & other matters & the Planters being much indebted I dread what the consequences of all things may be that for my part I wish I could get fairly out of the Country

Sr Your Affect Kinsman & Servt

Richd Splatt & Co

N.B. said Mr Splatt is ye most considerable Mt in Carolina to his Uncle the sd Mr Barons in London also ye most considerable Trader to Carolina.

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 1.

At the Councill Chamb.r Whitehall the 11th of August 1720.

Present

Their Excell.cys the Lords Justices in Councill

Their Excellencys the Lords Justices in Councill this day taking into consideration the great importance of the Province of Carolina, both with regard to its own product, and as it is a Frontier to his Majesty's Provinces in the Continent of America, and the eminent danger of its being lost in this criticall juncture by the confused state of it's present Government, Are pleased to Order and It is hereby Ordered That the Govern.mt of the said Province be forthwith taken provisionally into the hands of the Crown and that the Lords Comissioners of Trade and Plantation's do prepare a Comission and Instructions for a Governor to be appointed by his Majesty. And that they likewise propose to their Excellencys what they judge further necessary to be done for the safety of the said Province.

Temple Stanyan.

[Endorsed]

Recd 12th Augt } 1720.
Read 15th Do: }

B. P. R. O. So. Carolina B. T. Vol. 1. A. 3.

[No Date]

South Carolina

To the Kings most Excellent Majesty

The humble petition of the Inhabitants of the Settlement of South Carolina now under Arms

Sheweth,

That yo^r petitioners for the p^Eservation of this Colony and yo^r majesties subjects here setled found themselves under an absolute necessity to elect the Honble James Moore Esq^r to be Governour of this Settlement on behalf of yo^r Majesty since which we have been again alarum'ds with an Intended Invasion of the Spaniards from the Havanah And by a scout boat lately arriv'd we are informed that the Spanish fleet is now actually at St Augustine from whence we hourly expect to be attack'd both by sea and land.

That yo^r petitioners have putt themselves into the best posture of defence they could but they have so long laboured und^r an heavy Indian War perpetual Alarms both from our ^E enemy and Indians and Pyrates that they are now reduced to the lowest ebb of fortune and cannot expect to

to be able to subsist or anytime longer to defend this Settlemt unless we are imediately taken into yo^r Majesties Royall protection and assistance.

Wherefore yo^r petitioners in the most humble manner supplicate yo^r Royall Majesty as our Representatives have already done to receive this Settlemt into yo^r most Gracious favour & imediate protection and suffer us no long^r to be under the authority of any Lords Proprietors whose Indigency or neglect hath hitherto been the chief occasion of All the miserable calamities we now labour under.

And yr petrs as in duty bound shall ever pray &c.

Signed by two hundred and thirty eight of the Inhabitants.

[Endorsed]

Rec^d 16^th Aug^t
Read Do } 1720

B.P.R.O. South Carolina B.T. Vol. 25. p. 1.

16 aug. 1720

To their Excellencies the Lords Justices

May it please your Excells

In Obedience to your Excellency's Order in Council of the 11th Instant, we have prepar'd the Draught of a Commission for such Person as his Majesty shall think fit to appoint to be Governor of his Majesty's Province of Carolina. Wherein We have follow'd as near as might be the Copy of a Commission formerly granted by his late Majesty King William the 3rd of ever glorious memory to Col. Copley for the Province of Maryland when it was thought necessary for the service of the Crown to resume the Government of that Province from the Proprietors.

We shall likewise take Care, in Obedience to your Excellencies Orders to prepare a Draught of proper Instructions for the person whom his Majesty shall appoint to be his Governor of Carolina: wherewith we shall likewise offer to your

Excellencies

Excellencies, what we conceive further neces-sary to be done for the Safety of the said Province. But that no time might be lost in so important an affair, We thought it Our Duty to lay the incloo'd Draught of a Commission before your Excellencies by the first Opportunity.

We think it necessary upon this Occasion, to inform your Excellencies, that altho Carolina was Originally granted intire to the Lords Proprietors & their Boundaries afterwards inlarged, as we have been inform'd, by a Subsequent Charter, whereby a part of the Land formerly reputed Virginia was added to the former Grant, yet they found it convenient to divide the same into Distinct Provinces, by the Names of North & South Carolina, which have had different Gov^rs, Assemblies, & Courts of Justice, But we have been inform'd that the Governor of South Carolina has sometimes been likewise Governor of North Carolina & vested with a

power

Power of appointing a Deputy there:

The Draught of the Commissn which we have prepaid is for Carolina in General, & We submit it to your Excellencies, Whether the Person to be appointed Govr by his Majesty shoud be impowerd by his Instruc-tions to nominate a Lieut or Deputy Gover-nor for North Carolina, or whether such Lieut Governor shoud not rather be ap-pointed immediately by his Majesty, as is practisd in the Leewd Islands, where each Island has a Lieut Govr with a dis-tinct Council & Assembly; All of them nevertheless subject to such Orders as they shall receive from a Captain Genral of the said Islands

All which is most humbly submitted

Westmorland

Whitehall

Cha: Cooke

P. Docminique

M. Bladen.

B.P.R.O. South Carolina B.T. Vol. 25. P. 4.

16 Augst 1720.

George by the Grace of God of Great Britain France & Ireland, King, Defender of the Faith &c. To our Trusty & Welbeloved Francis Nicholson Esq: Greeting. Whereas by great Miscarriages & Neglects in the Govern.mt of our Province & Territory of South Carolina in America, the same is fallen into such Disorder & Confusion wch the Publick Peace & Administration of Justice (whereby the Properties of Our Subjects should be preservd there) is broken & violated & the said Province become wholly void of Defence against any Forreign Enemy, or even against the Incursions of the Barbarous Indians, whereby the Southern Frontier to Our Plantations on the Continent of America, & one of the most Fruitfull of Our Colonies, is in great Danger of being depopulated, & the Trade & Advantages thereof for ever lost from the Crown of Great Britain.

And whereas Our said Province of South Carolina & Our ~~good~~ Subjects the Inhabitants thereof, cannot be defended & secur'd by any other means, than by Our taking provisionally the Government into Our own Hands & immediate Care: We therefore reposing

especial

especial Trust & Confidence in the Prudence, Courage, & Loyalty of you the said Francis Nicholson Esq., of Our especial Grace, certain Knowledge & meer Motion have thought fit to constitute & appoint & by these presents do constitute & appoint you the said Francis Nicholson Esq. to be Our Capt. General & Governor in Chief in & Over Our Province of South Carolina in America

And we hereby require & command you to do & execute all things in due manner, that shall belong unto your said Command, and the Trust we have reposid in you, according to the several Powers & Directions granted or appointed you by this present Commission & the Instructions & Authorities herewith given you or by such further Powers, Instructions & Authorities, as shall at any time hereafter be granted or appointed you, under Our Signet & Sign Manual, or by Our Order in Our Privy Council, & according to such reasonable Laws & Statutes as now are in Force or hereafter shall be made & agreed upon by you with the Advice & Consent of Our Council to be appointed as hereinafter is directed & the Assembly of Our said Province under your Government in such manner & Form as is

hereafter

hereafter expressed.

And Our Will & Pleasure is, that you the said Francis Nicholson Esq. (after the Publication of these Our Letters Patents) do in the first Place take the Oaths appointed to be taken by An Act pass'd in the first Year of Our Reign, Entituled An Act for the further Security of his Majesty's Person & Govern-mt & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, and for extin-guishing the Hopes of the Pretended Prince of Wales & his open & Secret Abettors, As also that you make & subscribe the Declaration mention'd in an Act of Parliament made in the 25th Year of the Reign of King Charles the 2d, Entituled, An Act for pre-venting Dangers which may happen from Popish Recusants. And likewise, that you take such Oath as is usually taken by the Governor of Our Province of Virginia Mutatis Mutandis for the due Execution of the Office & Trust of Our Capt. Gneral & Governor of Our said Province, for the due & impartial Administration of Justice. And fur-ther that you take the Oath required to be take by Governors of Plantations to do their Utmost that the several Laws relating to Trade & the

Plantations

Plantations be observd, which said Oaths & Declaration Our High Chancellr of G: Britain or Our Chief Baron or any of Our Barons of Our Court of Exchequer in that part of Our Kingdom of Great Britain called England have hereby full Power & Authority, & are requird to tender & administer unto you. All which being duly performed, You shall after your Arrival in Our said Province of South Carolina, administer unto the Members of Our Council, as also to Our Lieut. Governor, if there be any upon the Place the said Oaths mentioned in the said Act, Entituled An Act for the further Security of his Majestys Person & Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, & for extinguishing the Hopes of the Pretended Prince of Wales and his open & secret Abettors; As also to cause them to make & subscribe the aforemention'd Declaration, and to administer to them the Oath for the due Execution of their Places & Trusts.

And we do hereby give and grant unto you full Power and Authority to Choose, Nominate and appoint such and so many fit persons to be Our Council for the said Province of South Carolina, and in such manner as in & by the sd Instruction herewith given you is directed & appointed and to suspend any of the Members of Our said Council from sitting, voting & assisting therein, if you shall find just Cause for

So

so doing.

And if it shall at any time happen, that by the Death, departure out of Our said Province. Suspension of any of Our said Councillors or otherwise. there shall be a Vacancy in Our said Council (any three whereof We do hereby appoint to be a Quorum) Our Will & Pleasure is, that you signify the same unto Us by the first Opportunity, that we may under Our Signet & Sign Manual constitute & appoint others in their Stead

But that Our Affairs at that Distance may not suffer for want of a due Number of Councill^rs if ever it shall happen that there be less than seven of them residing in Our said Province; We do hereby give & grant unto You the said Francis Nicholson Esq. full Power & Authority to Choose as many Persons out of the Principal Freeholders, Inhabitants thereof, as will make up the Full Number of Our said Council to be seven & no more. Which Persons so chosen & appointed by You, shall be to all Intents & Purposes Councillors in Our said Province until either they shall be confirmed by Us, or that by the Nomination of others by Us under Our Sign Manual & Signet, Our said Council shall have seven or more Persons in it.

And we do hereby give & grant unto you full Power and Authority, with the Advice & Consent of Our said Council from time to time as need shall require to summon & call Genral Assemblies of the said Freeholders & Planters within your Government according.

according to the Laws and Usage of Our said Province of South Carolina.

And Our Will & Pleasure is that the Persons thereupon duly elected by the Major part of the Freeholders according to such Laws and Usage as aforesaid and of the respective Counties & Places to be return'd, shall before their sitting, take the Oaths mention'd in the said Act, Entituled An Act for the further Security of his Majesty's Person & Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants, & for extinguishing the hopes of the Pretended Prince of Wales & his open & secret Abettors, As also make & subscribe the forementioned Declaration (which Oaths & Declaration you shall commissionate fit Persons under Our Seal of South Carolina to be appointed by Us Our Heirs and Successors to tender & Administer unto them, & until the same shall be so taken & subscribed, no Person shall be capable of sitting tho' elected) And we do hereby declare that the Persons so elected & qualify'd shall ~~not~~ be call'd & deem'd the General Assembly of that Our said Province and Territory of South Carolina.

And that you the said Francis Nicholson Esq. with the Consent of Our said Council & Assembly or the Major part of them respectively, shall have full Power & Authority to make Constitute & ordain Laws, Statutes and Ordinances for the Publick Peace, Welfare & good Government of Our said Province & of the People & Inhabitants thereof, & such others as shall resort thereto, and for the

the Benefit of Us, Our Heirs & Successors; which said Laws, Statutes, & Ordinances are not to be repugnant, but as near as conveniently may be, agreeable to the Laws and Statutes of this Our Kingdom of Great Britain

Provided that all such Laws, Statutes & Ordinances of what Nature or Duration soever, be within three Months or sooner after the making thereof, transmitted unto Us, under Our said Seal of South Carolina, for Our Approbation or Disallowance of the same as also Duplicates thereof by the next Conveyance.

And in Case any or all of the said Laws, Statutes and Ordinances not before confirm'd by Us, shall at any time be disallow'd & not approv'd, & so signify'd by Us, Our Heirs or Successors under Our or their Signet or Sign Manual, or by Order of Our or their Privy Council, unto you the said Francis Nicholson Esq or to the Commander in Chief of Our said Province for the time being, then such & so many of the said Laws, Statutes & Ordinances as shall be so disallow'd & not approv'd shall from thenceforth cease, determine & become utterly void & of none Effect, anything to the contrary thereof notwithstanding.

And to the end that nothing may be passed or done by Our said Council or Assembly to y^e^ prejudice of Us, Our Heirs and Successors: We will and Ordain, that you the said Francis Nicholson Esq. shall have and enjoy, a Negative Voice in y^e^ making and passing of all Laws, Statutes and Ordinances as aforesaid

And

And you shall and may Likewise from time to time as you shall judge it necessary adjourn, Prorogue, and Dissolve all Generall Assemblies as as aforesaid.

Our further will & Pleasure is that you shall and may keep & use the Seal to be appointed for that Our Province or Territory of South Carolina, for Sealing all things whatsoever that ought to pass the Seal of Our Sd Province under your Government.

And we do further give and grant unto you the said Francis Nicholson Esq: full power and Authority from time to time, and at any time hereafter, by yourself, or by any other to be Authorized by you in that behalf, to Administer and give the Oaths mentioned in the said Act for the further Security of his Majesty's Person and Governmt and the Succession of the Crown in Yr Heirs of the late Princess Sophia being Protestants, And for Extinguishing the hopes of the pretended Prince of Wales, and his open & Secret Abettors to all and every such person or persons, as you shall think fit, who shall at any time or times pass into Our Sd Province or shall be resident or Abiding there.

And we do by these presents give and grant unto you the said Francis Nicholson Esq. full power & Authority with the Advice and consent of Our Sd Council to Erect, Constitute & Establish such and so many Courts of Judicature and Publick Justice within Our Sd Province and Territory as you & they shall think fit and necessary, for the

the hearing and Determining of all Causes as well Criminal as Civil. according to law and Equity. and for awarding of Execution thereupon with all reasonable and necessary Powers, Authorities, Fees and Privileges belonging thereunto As also to appoint and Commissionate fit persons in the several parts of your Government to Administer the Oaths mentioned in the foresaid Act, as also to tender and Administer the Aforesd Declaration unto such persons belonging to the Sd Courts, as shall be Obliged to take the Same.

And We do hereby Authorize and Empower you to constitute and appoint Judges, and in cases requisite Commissioners of Oyer & Terminer, Justices of the Peace & other necessary Officers and Ministers in Our said Province, for the better Administration of Justice and putting ye Laws in Execution And to Administer or Cause to be Administered unto them such Oath or Oaths as are usually given within Our said Province of Virginia for the due Execution & Performance of Offices and Places, & for the clearing of Truth in Judicial Causes.

And we do hereby give & grant unto you full power and Authority where you shall see Cause or shall Judge any Offender or Offenders in Criminal matters, or for any Fines or Forfeitures due unto Us fit Objects of Our Mercy, to pardon all such Offenders, and to remit all such Offences, Fines and Forfeitures Treason and Wilful Murder only Excepted, In which case, you shall likewise have power, upon Extraordinary Occasions, to grant Reprieves to the Offenders, until

&c

& to the intent Our Royal Pleasure may be known therein.

And We do by these Presents Authorize and Empower you to Collate any person or persons to any Churches, Chappels or other Ecclesiastical Benefices within Our said Province and Territories aforesd to which We Our Heirs and Successors are or shall be entituled to Collate as often as any of them shall happen to be void.

And We do hereby give and grant unto you the said Francis Nicholson Esq, by your self or by your Captains and Commanders by you to be Authorized, full power and Authority to Levy Arm, Muster, Command & Employ all persons whatsoever residing within Our said Province and Territory of South Carolina, and as Occasion shall serve to March from one place to another, or to Embark them for the resisting & withstanding of all Enemies, Pirates or Rebels both at Land and Sea, & to Transport such Forces to any of Our Plantations in America, if necessity shall require, for the defence of the same, against the Invasion or Attempts of any of Our Enemies, & such Enemies, Pirates and Rebels (if there shall be Occasion) to pursue and prosecute in or out of the Limits of Our sd Province and Plantations or any of them. And (if it shall so please God) them to Vanquish, Apprehend and take, and being taken, according to law to put to Death, or keep and preserve alive at your Discretion, And to Execute Martial Law, in time of Invasion or other times when by Law it may be Executed, and to do and Execute all and every other thing and things, which to Our Captain Genl or Govr in Chief doth or ought of right to belong.

And

And We do hereby give & grant unto you full powr and Authority, by and with the Advice and Consent of Our said Council of Carolina to Erect, Raise and Build in Our sd Province and Territory such and so many Forts and Platforms, Castles, Cities, Boroughs, Towns and Fortifications, as you by yr Advice aforesd shall judge necessary. And the same or any of them to Fortify & Furnish with Ordnance Ammunitn and all sorts of Arms fit and necessary for the Security and Defence of Our sd Colony. And by the Advice aforesaid the same again or any of them to Demolish or Dismantle as may be most conducient.

And forasmuch as divers Mutinies and disorders may happen by persons Shipt and Employd at Sea, during the time of War, and to the end that such as shall be Shipped and Employed at Sea during the time of War, may be better governed and Ordered, We do hereby give and grant unto you the sd Francis Nicholson Esqr, full power & Authority to constitute and appoint Captains, Lieutts, Masters of Ships and other Commanders and Officers &c to grant to such Captains, Lieutts Masters of Ships and other Commanders and Officers Commissions to Execute the Law Marshal according to the Directions of an Act passed in the 13 year of the Reign of K. Chas: the 2d Entit: An Act for the Establishing Articles and Orders for the regulating and better governing of his Majestys Navys Ships of War and forces by Sea, during the time of War, and to use such proceedings

ings. Authorities, Punishmts Corrections, & Executions upon any Offender or Offenders, who shall be mutinous. Seditious, disorderly, or any way unruly either at Sea or during ye time of their Abode or Residence in any of the Ports, Harbours or Bays of Our Sd Province & Territory, as the Cause shall be found to require, according to Martial Law and the Sd Directions during the time of War as aforesd, Provided that nothing herein contained shall be construed to the Enabling you, or any by your Authority, to to hold Plea or have any Jurisdiction of any Offence, Cause, Matter or thing committed or done upon the High Seas or within any of ye Havens, Rivers or Creeks of Our said Province and Territory under your Governmt by any Captain, Commander, Lieut, Master, Officer, Seaman, Soldier or Person whatsoever, who shall be in Actual Service & Pay, in or on Board any of Our Ships of War, or other Vessels acting by immediate Commission or Warrant from Our Commissrs for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being, under the Seal of Our Admiralty. But that such Capt: Commander, Lieut Master, Officer, Seaman, Soldier or other Person so Offending shall be Apprehended and proceeded against and Tryed as their Offences shall require either by Commission under Our Great Seal of Great Britain as the Statute of the 28th of Henry the 8th directs, or by Commission from Our Sd Commissrs for Executing the Office of Our High Admiral, or

or from Our High Admiral of Great Britain for the time being. according to the Act of Parliament passed in the 13th Year of the Reign of King Charles the Second, Entituled. An Act for the Establishing Articles & Orders for the regulating & better Govenmt of his Majes tys Navy, Ships of War and Forces by Sea, and not otherwise. Provided nevertheless that all disorders and misdemeanours committed on Shoar by any Captain, Commander, Lieut. Master Officer, Seamen, Soldier or other Person whatsoever, belonging to any of Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our Commiss.rs for Executing the Office of Our High Admiral or from Our High Admiral of Great Britain for the time being under the Seal of Our Admiralty may be tryd and punished according to the Laws of the Place, where any such disorders, Offences and misdemeanours shall be committed on Shore notwithstanding such Offender be in Our Actual Service, and Pay in Our Pay, on Board any such Our Ships of War or other Vessels acting by immediate Commission or Warrant from Our Commiss.rs for Executing the Office of High Admiral or from Our High Admiral of Great Britain for the time being as aforesaid, So as he shall not receive any protection for the avoiding of Justice for such Offences committed on shoar, or from any pretence of his being employ'd in Our Service at Sea.

and

And Our further Will & Pleasure is, that all publick mony raised or which shall be raised by any Act hereafter to be made within Our said Province be issued out by Warrant from you, by and with the advice and Consent of the Council, and disposed of by you for ye Support of the Governmt and according to the Laws of Our said Province of South Carolina and not otherwise.

And We do hereby give you the said Francis Nicholson Esq full power to Order and appoint Fairs, Marts, and Markets, as also such and so many, Ports, Harbours, Bays, Havens and other places for convenience and Security of Shipping and for the better Loading and unloading of Goods and Merchandize, as by you with advice and Consent of the said Council, shall be thought fit and necessary.

And We do hereby require and Command all Officers & Ministers Civil and Military, and all other Inhabitants of Our said Province and Territory, to be Obedient, Aiding and assisting unto you the said Francis Nicholson Esq in the Execution of this Our Commission, and of the Powers and Authorities herein contained, and in case of Your Death or Absence out of Our Sd Province to be Obedient, Aiding and Assisting unto such person as shall be appointed by Us Our Heirs or Successors to be Our Lieut. Governor or Commander in Chief of Our Sd Province; to whom we do therefore

therefore by these presents give and grant all and singular the powers and authorities herein granted, to be by him Executed and Enjoy'd during Our Pleasure, or until your arrival within Our said Province and whom We do hereby require to take all such Oaths and make such Declaration as are herein before appointed to be taken and made by you Mutatis Mutandis which said Oaths and Declaration Our said Council in Our said Province, or any three of the Members thereof have full power and are hereby required to tender & administer.

And if upon Your Death or Absence out of Our sd Province there be no person upon Yr Place Commissionated or appointed by Us to be Our Lieut Governor or Commander in Chief of Our said Province. Our Will and Pleasure is, that the Eldest Councillor who shall be at the time of your Death, or Absence residing within Our said Province and Territory of South Carolina shall take upon him the Administration of the Government and Execute Our said Commission and Instructions and the Several Powers and Authorities therein contained in the same manner, & to all intents and purposes as other Our Governor or Commander in Chief should or ought to do, in case of your Absence, until your return or in all cases until Our pleasure be known therein.

And

And We do hereby declare, ordain and appoint that You the said Francis Nicholson Esq. shall and may hold, Execute and enjoy the Office and place of Our Captain General and Governor in Chief of Our said Province and Territory of South Carolina, with all its Rights, Members and Appurtenances whatsoever, together with all and Singular the Powers and Authorities hereby granted unto you, for and during Our Will and Pleasure. In Witness whereof We have caused these Our Letters to be made Patents. Witness &c.,

B. P. R. O. Lo. Carolina. B. T. Vol. 1. A. 7.

Whitehall Augst 18th 1720.

My Lords,

I have laid before the Lords Justices your Lordships Representation of the 16th instant accompanying the draught of a commission for a Governor of Carolina; and I am commanded by their Excys to signify to you their directions that you give all possible dispatch to the Report you are to lay before them of what is further necessary to be done for the safety of that Province.

I am,

My Lords

Your Lordps

most humble servant

Ch: Delafaye.

Comrs of Trade.

[Endorsed]

Recd
Read } 19th Augt 1720.

B. P. R. O. So. Carolina. B. T. Vol. 1.

Queries relating to Carolina.

1st What is the situation of the Province of Carolina	1st It is situated on the main land of North America between Virginia & Florida and by the Charter of the Proprietors it extends from ye latitude of 29 degrees to 36 degrees & 30 minutes and soe Westward thro the main land to the South sea.
The nature of the country Its longitude & latitude.	The nature of the country being of a large extent is very various, it is a continual forest, some parts are fruitful, some parts barren bearing nothing but pine trees, some parts are level, some hilly, and farther back riseing into great mountains, but generally it is all accounted healthy & pleasant.

2d What are the reputed boundaries thereof.	2d The bounds we say extends accordg. to the Charter But more particularly we repute our bounds to extend as far as the lands possessed by those Indian nations that submitted to yt English Govt and paid acknowledgmts & tributes to the same, for the benefit & protection they recd from our Govt & whose chiefs had their comn from our Govr Now these bounds extended as the same are marked down by the Rickt lines in Capt Rairas mapp of South Carolina, we having factorys & storehouses in all those nations untill the year 1715 in wch year the French have dispossessed us and are every year making further encroachments.

3d what is the constitution of the Govern.mt	3d It is difficult to describe its real constitution under the Proprietors for they made so many alterations & soe many fundamental constitutions and soe many rules of Govt that it became a heap of confusion. As for what is done by the inhabitants they have moddled the Govt as near as they could to that of Virginia & other his Majesties Governm.ts in America.
4th What is the Trade of that Province - The number of Shipping the Tonage - and the number of seafaring men with their respective increase or diminution.	4th The Trade carried on by ye Inhabit.ts on their own proper accots is very inconsiderable, there being not above 18 or 20 sail of small vessells belonging to them, whose Tonage does not exceed 1500 tuns - And the seafaring men are mostly

	mostly Transient persons, and not Inhabitants who mostly follow their Plantation work; for the greatest Trade of the place is carried on by British merchants who reside in Great Britain & have their Factors or Agents in Carolina.
5th What Quantity & Sorts of British Manufactures do ye Inhabitants annually take from hence.	5th The Inhabitants of Carolina are furnished with all manner of necessarys (provision only excepted) from Great Britain (viz.t) all manner of cloathing, woollens, linen, iron ware, brass & pewter all manner of household goods, having no manufactures of their own & its Southerly situation will render them for ever incapable of interfering with the manufactures of Great Britain and consequently

	quently for ever dependent on the same. The yearly consumation of British manufacture is computed at 30000^{li}. Besides which the British merchants furnishes them yearly with 1000 negro's which are purchased on the coast of Affrica with British goods.
6.th What Trade has that Province with any Foreign Plantations or any part of Europe besides Great Britain - how is that trade carried on. What comodities do the people in that Province send to or receive from foreign Plantations.	6.th Carolina has no trade with any part of Europe but what first comes to Great Britain and from Great Britain to them. They have a small trade for wine to the Maderas in return for provision & lumber. But to no other Foreign Plantation whatsoever.
7.th What methods are there used to prevent Illegal	7.th The Com.^{rs} of the Customs have appointed a Surveyer

Illegal Trade? And are the same effectual.	veyor Genl a Collector a Comptroller a Searches a waiter & naval officer. And the said Comrs can answer to this query.
8th What is the natural produce of the country, Staple comodities & manufactures. mirtle?	8th The present Staple comodities of that country are Rice, Pitch, Tar, Turpentine, Buckskins, Furrs, Corn Beef, Pork, Soap, & mirthe wax candles various sorts of lumber, as masts, ceder boards, staves, shingles, hoop poles and is capable of producing silk, indigo, pottashes, iron, hemp, flax and many other comodities, were there a greater number of people and due incouragement from hence.
9th What mines are there?	9th Wee know of none certain but of Iron mines, tho' some

	some persons that have been in the mountainous parts of that country give out that there are mines of Silver Copper & other mettalls there. Yet we can't affirm the same with any certainty.
10th. What may be the Annual produce of the comodities of that Province.	10th. It is computed that this very year will be exported sixteen thousand tearces of Rice. Abt seventy thousand barls of Pitch, Tar & Turpentine. Abt Sixty thousand deer skins besides furrs. Besides these comodities they send to Great Britain Silver Gold Logwood, Brasiletto & several comodities of the growth of the Islands of Barbados Jamaica, the Leward Islands & Providence which they receive from thence

	thence in return of the provisions & lumber sent to 'em from Carolina, all these trades does yearly encrease by the addition of negro slaves that are yearly imported.
11th What is the Number of Inhabitts Whites & Blacks.	11th The Number of White Inhabitts have been lately computed at 9000 souls. and the Number of Blacks at 12000
12th Are the Inhabitants increased or decreased of late. And for what reason?	12th Within the last five years yt White Inhabitants have annually decreased by the massecres of the Indians the flying off of great many to places of safety. And the Lords Propts refusing land to new comers with the great Taxes that is annually raised

	raised hinders others to come there. Yet the number of Blacks that time have very much increased for the Pitch & Tar Trade prodigiously. Increasing have occasioned ye Inhabitants to buy Blacks to the great indangering the Province
13th What is the Number of the Militia	13th The number of men from 16 years old to 60 are computed abt 2000 most of them being continually imployed in the Indian wars, alarms & expeditions, are become very expert, able men. Little inferior to disciplined troops.
14th What Forts & Places of Defence are there within that Govt and in what condition	14th Charlestown is regularly fortified after the moddle described in ye Carolina

	Carolina mapp. There is a smal Fort near the mouth of the harbour of Charles Town in very good order on these fortifications there are mounted near 100 canon but they are too smal the largest not exceeding 12 pound ball. There is a small Fort of 8 or 10 guns at Port Royal another Pallasado Fort at the late Savane Town of 5 or 6 small guns this is 140 miles west from Charles Town And there is such another Fort towards the head of Santee river 120 miles from Charles Town. In all these places they maintain abt 100 men in garrison.
15. What number of Indians	15th Between our Settlem.ts & yt

Indians are there and how are they inclined.	yt Mississipi the whole number of Indian men are abt 9200 men which may be divided into 3 parts First those we formerly traded with and are intirely cut off from all manner of comunication with us by the French new fort at yt Albamas and by that means intirely frenchified are 3400 men. Secondly there are 2000 men lying between us & yt French that are now at peace & trade with us & the French but having been lately at war with us it is certain that without we can out bribe yt French wch we are not able to doe in our present circumstances, they will joyn yt French upon a war with that crown.

and

	And 3dly Charokees are abt 3800 men are at present at war with the French & their Indians, but if the French should gain an interest among them then humanly speaking Virginia as well as Carolina would be exposed to the greatest danger of being overrun for which reason some speedy care must be taken to preserve our interest among them.
16. What is the strength of their neighbouring Indians.	16th As for our neighbouring Indians together with those that lies between Carolina & Virginia called 5 Northern Indians they are computed at abt 1000 men. they are a very wild savage people and no great dependance can be

	be had of them & consequently of noe great consequence if Virginia & Carolina pursued the same interest among these Indians they would be of noe danger to either Govt.
17. What is the strength of their neighbouring Europeans.	17. First the Spanish Garrison of St Augustine has between 3 & 400 men & near 200 Indians, these never regards the peace between the two crowns, but yearly comit depredations & murders on the inhabitants of Carolina 2dly the Spanish Garrison of Panseeola had 120 men but the French have dispossed them last year of that Port. 3dly the Spanish Garrison of St Josephs at the mouth of

of Chatahoochee river it is reported that they have 400 men there by the accot of deserters these garrisons makes no plantations or improvements but are wholy supplied from New Spain & the Havana with all manner of necessarys & provisions.

But what is of the greatest consequence not only to Carolina but to all North America is the New French Settlemt of Mississipi who not only encrease by vast numbers imported from France but use all the diligence imaginable to gain the Indians to their interest - Deserters reports that they have already 4000 French there.

18th What Effect have the French Settlements on ye Continent of America upon his Majesties Plantations

18th The effects are better known to yr Lordships then to any body of men whatsoever.

It is well known to yr Lordps that his Majesties Plantations are scattered along the sea coast of North America & separated into sevl Proprietarys & different Governmts who have different views & interests and have either exterpated the natives or driven them further into the main land.

Now the French have but one Genl Govt & consequently but one interest & aim, and not only situated on the back of the British Colonys But among great number of ye native savages who they endeavour to incorporate into

	into their nation by inter-marriages & Popish mis-sionarys placed among 'em & securing the heads of their rivers by building Forts, see that if some speedy care is not taken to stop their progress the British Colonys will soon be intirely ruined by the frequent incursions of the savages headed by the French or rendered useless to Great Britain, by the vast expence it will be at in protecting them.
19. What is the Revenue arising within that Govt and how it is appropriated.	19th The Lords Propr's Quit rent is about 500£ yearly There is a duty of 3d ℔ skin appropriated to the Clergy As for the rest of the contengent charges of ye Govt it is yearly provided for

	for according to yᵉ emer-gencys of the Province by the Assembly by a Tax on the Inhabitants wch varys every year.
20th What are the Ordinary & Extraᵗ Expences of that Government.	20th They are as uncertain as yᵉ constitution alone is. But it is expected that under the stedy administration of his Majᵗʸ immediate Govᵗ there will be regular Establishmᵗˢ Established.
21st What are the Establishmᵗˢ Civil & Military within that Govᵗ & what officers hold by Patent immediately from the Crown.	21st The Establishmᵗ as well Civil as military are uncertain confused & distracted. There are no officers there that hold by Patent immediately from yᵉ Crown. Those that called Kings officers are appointed by the Comʳˢ of the Customs and have their salary paid

paid in London.

Then the Lords Propr. appoint several officers as a Govr. to whom they allow 200 £ ann.

A Chief Justice at 60 £ ann. a Secretary & Attr. Genl. at 40 £ ea. & ann. a Recr. Genl of their Rents who has commissions 10 p Ct. and a Surv. Genl. of their lands who has fees.

Besides these officers the Comons House of Assembly have ye domination of all officers that receive their salarys from ye country as

The Publick Treasurer.
The Powder Receiver.
The Several Comrs. of ye fortifications
The Commanders of ye several garrisons.
The Clerks, messengers, Postmaster &c.

The

The Govt has ye nomination solely of all militia officers the Provost Marshall Sheriffs Coroners ran due master and some other small officers.

The Chief Justice nominates ye Constables.

The Lords Propres having given up their right of Patronage to the Inhabitants they choose their ministers or Rectors by Election.

Their Jurys and Assembly men are chosen by Balloting.

Joseph Boone Agent
Jno Barnwell.

[Endorsed]
Rec'd
Read } 23d Augt 1720.

B. P. R. O. So. Carolina B. T. Vol. 1. A. 8.

Carolina

As port Royal is an excellent harbour for men of war and yt present frontier of the settlement and lies more convenient for supporting any out garrisons among the Indians then Charles Town and having large quantities of good land in its neighbourhood not yet taken up fitt to settle new comers which is wanting about Charles Town.

It is proposed to make that a port & magazeen from whence they may supply the other garrisons & to secure the same by a fort or forts placing a good number of men in garrison there

From Port Royal up the Savano river to the present fort at the late Savano Town according to the windings & turnings of the river is reckoned 320 miles and they are often twenty days in rowing up the curr! but return sometimes in 4 days at 5 at most at this place it is convenient to build a stone or brick fort the land abt it being extraordinary rich and exceeding healthy never subject to fevers

and

and agues. And is the ordinary thorowfare to the Westward Indians.

Att a place called Pallachucolas on the Savano river 5 days rowing up or one day down yt river is another convent place for such another forte as at Savano Town there being open Indian fields & an healthy situation.

It is three days rowing along the coast within a chain of Islands from Port Royal to the mouth of Alatamaha river, this is the place the French setled in the reign of Charles the 9th. of France and by them called the river May & they are desirous to possess themselves of the same again which would prove of the last ill consequence to suffer them to have a port on the Atlantick Ocean &c. Therefore it is highly necessary to take speedy possession of it by building a fort & placing a garrison there.

From the mouth of Alatamaha river to as far up as it navigable for Periagos is 16 days rowing & back in 3 or 4 days, here is a fine country full of Indian fields & continues the communication from the Savano Town over

land

land which 110 miles distance or abt 80 miles from the Palachicolas.

Due west from this place in a good road & exceeding plenty of venison, buffallo &c is 90 miles to Chatahoochee river where is another place proper for a fort, this river falls into the bay of Apalatchee at a place called St Josephs, now possess'd by the Spaniards, on this river are now setled the Ochesee Indians and their confederates making about 1000 men who are at present at peace with us the Spaniards calls these Indians the Apalatchicolas & the French calls them Cawetaws.

It is 70 miles west from this to the Halbamas, Taliboos & Abecaws making 1200 men here the French built a fort in 1719. Yet the Indians are at peace & drives a trade with us.

It is of great consequence to oblidge the French to restore us to the possession of this place by which means our communication with the Chickesaws and other nations we formerly dealt with might be again open'd, & we may recover our interest among them there being about 3000 men west of the Albamas with

whom

whom we had a friendly correspondance, before the French built that fort. But if we cant obtain our right, then it is advisable to build a Fort on Hagolegee river by means whereof we may interrupt y.e communication between the French of Mississipi, and those of Canada, and prevent them from gaining the Charokees or maintainers who are the only Indians of consequence that have not made peace with the French.

Your Lordships may be pleas'd to understand that it is not only for the preserving the Indian Trade that these Forts are requisite, but to preserve as many Indians as we can from joyning the French, and to prevent the French from incroaching on his Majesties Dominions.

For ever at this time the publick of Carolina are several thousand pounds yearly loosers by that Trade they carry on with the French Indians. Yet they are under a necessity of supporting it, for their own preservation For as the case now stands, should those Indians joyn the French, in a war against us,

us, not only Carolina but all North America would be either over run or rendered useless to Great Britain by the vast charge it must be at in protecting them which might be prevented if timely care is taken to preserve as many of the savages as we can in our interest which must be done by the same method the French takes to gain them, viz. by securing the country by small forts all great distances from one another. Now as it is impracticable to carry cañon cross the main land, these Forts are not only impregnable to the Indians, but cant be well taken by Europeans who cant carry tools for intrenchments without great difficulty

It is well known the English have extirpated or driven the natives back into the land and are scattered along the sea coats of North America. Now the French incorporates themselves with the Indians by intermarriages & placing Popish missionarys among them who indeavour to breed in them an incurable aversion to the English & being placed on the back of the English Colleny,

they

they may in time of war or peace come down in such numbers & soe frequent, & uncertain sometimes in one place & some times in another, and are withal soe inhumanly cruel & barbarous that they will undoubtly harrace & waste the Collonys without some such methods as are now proposed be pursued to prevent the same before it be to late, and as Carolina is the South west Frontier to the rest of the Collonys and by its situation has a more easy cōunication with the Indians, it must be there that care must be taken; a penny now laid out may save pounds hereafter & enable us in time of war, even to dispossess the French.

As for the number of men sufficient to answer these ends, and placed as Collonys over the main land as above there cant well be less then four or five batallions of men There being too much reason to fear the intended expedition of the French is design'd for the Alatamaha river. All which is most humbly submitted to your Lordops serious consideration.

Joseph Boone Agent
Jno Barnwell

[Endorsed]
Rec'd
Read } 23d Aug.t 1720

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 9

1st The distance from Charles Town to Savanogarrison 140 miles from Savano Garrison to Altamaha river 110 miles. from Alatamaha river to Chatahooche river 90 miles from Chatahooche river to the Albamas 70 miles in all from Charles Town 410 miles:

2dly From Port Royall you have water carriage to the head of Alatamaha river which goeing will take up 19 days and in returning five or six days:

3dly It is as far from Port Royall to the Savano Garrison as it is to the head of Alatamaha river by water:

4thly From Port Royall to the Palachasolas on the Savano river over land is thirty miles but by water 5 days rowing up or one day downe the river:

5thly From Palachosolas over land to Alatamaha is eighty miles and the mouth of Alatamaha is three days rowing from Port Royall:

From Charles Town to the Congeree Fort on Santee river is one hundred & twenty miles

over

over land and above 400 miles by water.

From Congeree Fort to the Savano Fort is not quite forty five miles:

Now there are three roads leading to Hogelogo river - the first is by the Congerees thrô the Charoohees and cross the mountains and is computed 420 miles from Charles Town. The next is thrô the Savano Town and then west north west along the foot of the mountains witho! seeing any Indian Towns is 340 miles: The third is thrô the Savano Town to the Abicaws thrô all the nations in the way is 510 miles.

[Endorsed]

Reced
Read } 23d augt 1720.

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 15.

Extract of a letter from Carolina to Coll Barnwell dated ye 19th of August 1720.

Some short time after ye inbarked, a body of Indians wth some Spaniards from St Augustine made a desent on St Helena killed one man, & took Inns ye taner wth severall slaves prisoners amongst whom am informed ye had three or four, Inns wth alt 50 other white prisoners are returnid in a flagg of truce sent there by this Governmt for yt purpose.

We must never expect to live peaceably here whilst ye Spaniards are in possession of Augustine it is equall to them whether it be peace or war, that place is become a nest of Pirates & Privateers they have lately taken between us & New York fefty or sixty sail of vessells, and are now fitting out severall cruisers who disregarding yt cessation make prizes of all yt come in their way, some have gone from hence to demand their vessells taken since yt cessation, but to no purpose so yt we are in a much worse condition than if wee had actual warr wth them.

We have had two or three horse drivers deserted from

from us to yᵉ French, who left some of the Creek traders, and the French who serve us but in kind, protect them, dreadfull will be yᵉ consequence of those back Settlemts to this Province upon a warr wᵗʰ France in case yᵉ King does not take care of us.

It was Rhett sloop manᵉd wᵗʰ 50 of Hilders-leys men & victualled by yᵉ country who alsoe gave Rhett a hundred pounds for yᵉ run of his sloop to carry there abᵗ yᵉ like number of Spanish prisoners as she brought back Eng-lish. It was yᵉ prospect of makeinge a voyage yᵗ they had in view, when the thing was first proposed, & indeed what they did carry they sold mostly very well, pticularly two chests of arms yᵗ guns, swords, pistolls &c. & four great guns, this thing has made a mighty clamour abᵗ but Rhett throws it all on Hildersley, & pleads yᵗ it was both contrary to his orders & knowledge yᵗ such things were carryed & to justify his iñocence produces copy of a letter he writt Hildersley, for yᵗ as soon as his sloop returned he hawled here aboard his

ship

ship, & these discharged wth out ever making any report to yt Custom House officers (by wch means she is forfeited to yt King) &c.

Signed Wm Dry who is one of the Comrs appointed to correspond wth yt agent in Great Britain

[Endorsed]

Recd Novr 3d
Read Do 1st } 1720.

B. P. R. O. South Carolina B.T. Vol. 25. p. 27.

(23 Aug. 1720.)

To Sr Rob. Raymond His M: At. Genl

Sir,

The Lords Commissrs for Trade and Plantations command me to send you the inclosed Papers relating to the proceedings against the Charter of ye Proprietors of His Majestys Province of Carolina, which have been lodged in this Office, with a list thereof, but as most of them are original Papers, I am to desire that you will please to return them so soon as you have done with them.

I am
Sir
your most Humble
Servant
Wm Popple

Whitehall
Augt 23d 1720

Complaints

Complaints against the Lords Proprietors of Carolina.

			Proprietors E folio
1706			
April	10th	1. An Address of the House of Lords, relating to Carolina	357
	12th	2. Letter to Mr Attorney and Mr Solicitor General thereupon	360
May	17th	3. Their Answer	378
	24th	4. Repres[n] from the Board of Trade	381
June	10th	5 An Order in Council upon the same subject.	395
	26th	6. Order in Council relating to proceedings against the Charters for Carolina &c	417
1708 June	11th	7. Letter from Mr Borret giving an Account of what had been done, relating to the Prosecution of the Lords Proprietors of Carolina	F 52
1715 July	12th	8. Letter from the Lords Proprietors. N.B. the Lords Prop[rs] are unable to afford suitable assistance in this Conjuncture.	436
	14th	9. Queries to the Lords Proprietors	441
		10. And their Answers thereto	442
	18th	11. A Memorial	445
	19th	12. Letter to Mr Secry Stanhope, relating to the miserable state of Carolina.	454

		Bundle
1716 June 12th	13. Copy of the Assembly of Carolina's Address to His Majesty	Q 71.
	14. Copy of a letter from Do to their Agents	72.
June 23d	15. Memorial from Messrs Boon and Beresford relating to the Importance of Securing Carolina &c	76.
	16. Memorial from Mr Beresford, representing the present State of S. Carolina	77
July 4th	17. Letter from Mr Secry Stanhope, referring to the Board a letter from the Assembly of South Carolina to their Agents	78.
1717 May 8th	18. Printed Case of the Colony of So Carolina.	117.
	19. Letter from the Lords Proprietors of Carolina relating to the present state of that Province	118.
Sepr 25th	20 Copy of a letter from So Carolina to Mr Boon relating to the Indian War &c	131.
1718 May 6th	21. Copy of a letter from a Committee of the Assembly of Carolina, to their Agents here; relating to ye dangerous state of that Province.	149.
	22 Letter to Mr Secry Craggs with the foregoing	
13.	23 Memorial from Mr Boon, relating to the Miserable condition of Carolina	151
1720. Augt 16	24. Copies of five Papers, received from Mr Boon	

Abstract

Abstract of a letter to Mr Boon, dated in Carolina the 24 June 1720.

Copy of a Petition of the Inhabitants of South Carolina to His Majesty.

Copy of a letter from the Commons House of Assembly to Govr Moore.

Copy of an Act for ye better Supporting of the public Credit of Carolina.

Copy of an Act for Supporting the Governmt of Carolina, under Govr Moore, or any succeeding Govr.

B.P.R.O. South Carolina B.T. vol. 25. p. 30.

(30 Aug. 1720.)

To Chas: Carkesse Esqr

Sr

The Lords Comrs for Trade and Plantations having under considerat[n] severall matters relating to the Proviace of Carolina, and having Occasion to inspect the Naval Officers Accounts of Ships Entred & Cleared there, for the last three years, Their Lordships command me to desire you will move the Honble the Commissrs of His Majesty's Customs, that they may have Copies of the said Accounts as soon as conveniently may be.

I am

Whitehall
Augst 30th 1720

Sir
your most humble Servant
Wm Popple

B.P.R.O South Carolina B.T. Vol 25. p 31.

30 August 1720

To their Excells. the Lords Justices

May it please Your Excellys.

Having in Obedience to your Excellencies Order in Council laid before your Excellencies the 16th Instant the Draught of a Commission for such Person as his Majesty shall think fit to appoint his Governor of Carolina, We now take leave to lay before you the Draught of Instructions for the said Governor together with ye usual Instructions relating to the Acts of Trade and Navigation.

And as your Excellencies were pleased to direct us to offer you Our Opinion concerning the proper Measures necessary to be taken at this Juncture for ye Defence and Security of the said Province We have carefully Examined into the present Condition thereof. And altho We are at this time preparing a Representation to be laid before your Excellencies concerning the State of all the British Colonies on the Continent of America to which We shall hereafter subjoin Our Thoughts concerning the Islands adjacent. Yet as this is a Work which must naturally require much Consideration We thought We should not misspend your Excellencies time, if we so far anticipated Our General Report, as to lay hold of this Occasion to give you Our Opinion concerning certain matters, relating to Carolina and Nova Scotia, the two Frontiers of the British Empire in America to the North and to the South, which being both of them

at

at this time in the utmost disorder, do naturally demand your Excellencies more immediate care and Protection, reserving to ourseloes nevertheless an Opportunity of giving Your Excellencies Our Thoughts more at Large concerning those two Provinces in the General Representation wch We shall with all convenient Speed have the Honour to lay before you.

In Our Letter to your Excell.y of the 16th Instant which accompanied the Draught of a Commission for his Majesty's Governor of Carolina, We observed to Your Excellencies that Carolina was at present Divided into two different Provinces, and that it might, in Our Opinion be for his Majt. Service to appoint a Lieut. Governor of north Carolina, Subject to such Orders as he should from time to time receive from the Govr of South Carolina as his superior Officer, and this We take the Liberty now to repeat as a Matter wherein no time should be lost; and your Excellencies will be pleased to observe, that in the Draught of the Instructions herewith sent your Excellcy there is a Reference to the Commission and Instructions for the said Lieutnt Governor of north Carolina.

Your Excellencies are no doubt fully apprized of the great Industry at this time Employ'd by the French to extend their Territories on ye Continent of America, and that they have open'd a Communication from Quebeck on the River St Lawrence thro' the sd River and Lakes adjacent to ye River Missisippi

and

and from thence to the Bay of Mexico, marking their Boundaries by Small Forts at convenient places, and sparing no Expence to gain the Native Indians to their Interest, whereby no doubt they one day promise themselves an Universal Empire in America, which may possibly happen if the proper measures are not taken to prevent a design so destructive to y^e^ British Interest and Commerce.

But Your Excellencies being always disposed to do every thing that in your eyes for the service of Great Britain in General, and more particularly at this time for the Preservation of the British Colonies in America, We have reason to hope this design will prove abortive, & we are encouraged to propose to your Excellencies an Expence for this great and necessary end, being persuaded that the same will be fully justify'd by the Consequence thereof to the Trade and Welfare of these Kingdoms.

. The Tract of Land possessed at this time on the Continent of America by the French from North to South viz^t^: from the 51^st^ to the 28^th^ Degree of Northern Latitude contains no less than 460 Leagues in Length to which they reckon themselves Entituled: How justly We shall not determine; But by their manner of Proceeding, it would seem that they were of Opinion, that a continued Possession in an uninhabited Country was a better Title than a Charter without Possession; and for the same reason no doubt it would behove us to extend our selves as far as may be by Building Forts in

in Convenient Places to mark Our Possessions Likewise on the Frontiers of Our Several Colonies on the Continent of America.

But the necessity of doing this is still greater & more immediate in Carolina than in other Provinces.

It is Evident by the Steps the French have hitherto taken, their Chief care is that of making themselves strong and considerable at the two Heads of their Colonies, North and South, they have made a great progress in this to ye North where Quebeck and Cape Breton seem to threaten a Conquest of Nova Scotia upon the first Rupture.

And Carolina where Our Bounds have never yet been Ascertained any other way, but by the Charters to the Lords Proprietors, seems still to be in more immediate danger from the great Settlements and incroachments the French have made, and are making to the Southward For notwithstanding the great Prospect they had of becoming Masters of an immense Trade by being possessed of the River Mississippi is in some measure damped by ye Difficulties they find of getting out and in at the Mouth of the said River where it Empties it self into the Bay of Mexico for which reason they found themselves obliged not long ago to take a Port from the Spaniards Pansicola which We understand has since been restored.

Yet it is certain this disappointment will put the French upon a necessity of finding out other Expedients and

We

We have some reason to Suspect they have thoughts of opening a Communication from their great Settlement upon the River Mobille down the Allamattahama or some other of the Rivers that Empty themselves to the Northward of Fort St Augustine into the Western Ocean, and should they Succeed in this Design the British Interest in America would receive a more fatal Blow from thence, than from any other Possession the French have hitherto acquired on the Continent of America.

Your Excellencies by one Slight View of the Chart of these Countries will easily judge of the Consequence of this matter, and be induced to believe, that there is an absolute necessity of securing the Mouths of all the Rivers Emptying themselves into the Main Ocean between St Augustine & Port-Royal in Carolina for which purpose no time should be lost in erecting Forts to secure the Trade and Navigation of the said Rivers at proper places the Choice whereof may be left to His Majesty's Governor. But I'me would in a more particular manner propose the securing of the River Alatamaha lest the French who have ~~formerly~~ given that River the new name of May, Should pretend a Title to it

It will likewise be absolutely necessary to build some small Forts towards the Inland Frontiers as well for the Security of Y^r Trade, as to ascertain Our Boundaries, And as the Cherokee Indians a warlike Nation Inhabiting a long Ridge of Mountains Called Apalache, lying East and West, between 35 and 36 Degrees

of

of northern Latitude, whence several Rivers take their source, that flow different ways, are hitherto in Our Intrest, and utter Enemies to France, it would be for His Majesty's Service, that some small Forts should likewise be built among them for their Encouragem^t and our Security.

And as nothing can be more material for His Majesty's Service in these parts, than to cultivate a good understanding with the Indians, of which too great Numbers have already been debauched from Our Intrest by the French. We thought it not improper upon this Occasion to insert an Instruction upon this Head, and so much y^e rather, because We do not find that the Savages in general are apt to commit any great Barbarities but upon provocation first given them on Our Part.

But considering the great disorder, this province at present labours under, that the People are unsettled, that they have lately shaken off the Proprietors Government, as incapable of affording them protection, that the Inhabitants are exposed to incursions of the Barbarous Indians, to the Encroachments of their European Neighbours, and that y^e whole Province was lately in danger of being Massacred by their Own Slaves, who are too numerous in proportion to y^e White Men there, We do conceive it to be absolutely necessary for the Preservation of this Colony, that His Majesty should forthwith send four Batalions of Foot thither at least, together with a considerable Number of great Guns and a

proportionable

proportionable quantity of Warlike Stores for the several Forts proposed by Us to be built there, wherein We humbly conceive no time should be lost

It doth likewise appear to Us by the letters from Col. Philips Govr. of Nova Scotia to the Right Honble Mr. Secry Craggs, referred to Us by Your Excellencies Orders Signified in Mr Delafay Letter of the 9th Instant that the said Province of Nova Scotia is in very great disorder and likely to be still in greater Confusion upon the removal of the French Inhabitants from thence who will never be good Subjects to His Majesty Wherefore we would likewise propose to Your Excellcy that 4 other Batalions of foot should likewise be sent to Nova Scotia.

And altho this may, for ye present, occasion an Expence to Great Britain, yet We humbly conceive the same is not to be put in Ballance with ye Importance of ye Service those Regimts would be of to the British Intrest in America, where the Soldiers upon due Encouragemt may in a very few Years become Planters & ease ye Publick of the Charge of their Pay. But We shall offer something more at Large upon this point to Your Excellcy in Our General Report

What We have further to propose to Your Excellcy upon this Occasion is, that two great Seals should forthwith be prepared to be used in the two Provinces of South and North Carolina & Commissions for Trying Pirates in both the sd Provinces.

All which is most humbly submitted.

Whitehall. 30 August 1720. Westmorland. J. Chetwynd. Cha. Cooke. P. Docminique. Martin Bladen.

B.P.R.O. South Carolina BT. Vol. 25. p. 41.

30 August. 1720.

Instructions for Francis Nicholson Esq. His Majesty's Capt. General and Commander in Chief in and over His Majesty's Province and Territory of Carolina in America. Given at Whitehall the

1st. With these Instructions you will receive His Majesty's Commission under the Great Seal of Great Britain constituting you Captain General and Governor in Chief in and over His Majesty's Province and Territory of Carolina in America.

2do. And for the better Administration of Justice, and management of the Publick Affairs of His Majesty's said Province. You are required to choose and appoint such fitting & discreet persons, either Planters or Inhabitants there, not exceeding the number of twelve, as you shall judge most proper to be His Majesty's Council in His said Province until His Majesty's further Pleasure be known. And you are forwith to transmit to His Majesty and to His Commissioners for Trade and Plantations a List of the Names and Qualifications of all the said Persons so by you appointed to be His Majesty's Council there.

3. And you are with all due and usual Solemnity to cause His Majesty's said Commission under the Great Seal of Great Britain constituting you His Majesty's Capt. General

General and Governor in Chief as aforesaid, to be read, and published at the said meeting.

4. Which being done you shall administer to each of the Members of his majesty's said Council as well the Oaths appointed to be taken by an Act passed in the first Year of his majesty's Reign. Entituled, An Act for the further Security of his Majesty's person and Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants and for Extinguishing the hopes of the pretended Prince of Wales & his open and Secret Abettors, as also Cause the Members of his majesty's said Council to make and subscribe the Declaration mentioned in an Act of Parliament made in the 25th Year of the Reign of King Charles the Second, Entituled, An Act for preventing dangers which may happen from Popish Recusants. And every of them are likewise to take an Oath for the due Execution of their Offices & their Equal and Impartial Administration of Justice.

5. You are forthwith to Communicate unto his Majesty's said Council, such and so many of these Instructions wherein their Advice and Consent are mentioned to be requisite, as likewise all such others from time to time as you shall find convenient for his Majesty's Service

to

to be imparted unto them.

6. You are to permit the Members of His Majesty's said Council to have and enjoy freedom of debate and Vote in all affairs of publick concern that may be debated in Council.

7. And that His Majesty may be always informed of the Names and Characters of persons fit to supply the Vacancies which shall happen in His said Council you are to transmit unto His Majesty by one of His Principal Secretaries of State, and to His Commissrs for Trade and Plantations with all convenient Speed, the Names & Characters of twelve persons Inhabitants of the said Province, whom you shall esteem the best qualified for that Trust: And so from time to time when any of them shall Dye, Depart out of the said Province or become otherwise unfit, you are to Nominate so many other persons to His Majesty in their stead, that the list of twelve persons fit to supply the sd Vacancies may be always compleat.

8. You are from time to time, to send to His Majesty as aforesaid, and to His Commissrs for Trade and Plantations the Names & Qualities of any Members by you put into the said Council by the first convenience after you so doing.

9.

9. And in the Choice & Nomination of the Members of His Majesty's Said Council, as also of the Chief Officers, Judges, Assistants, Justices & Sheriffs, you are always to take care that they be men of good life, and well affected to His Majesty's Government, and of good Estates and Abilities and not necessitous Persons or much in Debt.

10. You are neither to Augment nor diminish the Number of His Majesty's Said Council, nor to Suspend any of the members thereof without good and Sufficient Cause, nor without the Consent of the Majority of the said Council. And in case of Suspension of any of them, you are to cause your reasons for so doing together with the Charges & Proofs against the said persons and their Answers thereunto to be duly Entred upon the Council Books, and forthwith to transmit Copies thereof to His Majesty as aforesaid, and to His Commrs for Trade and Plantations. Nevertheless if it should happen, that you should have reasons for Suspending of any Councellor not fit to be communicated to ye Council, You may in that case Suspend such person without their Consent; But you are thereupon immediately to send to His Majesty by one of His Principal Secretaries of State, and to His Commissioners for Trade and Plantations an Account thereof with your reasons for such Suspension, as also for not communicating the same to the Council

Council and Duplicates thereof by the next Occasion.

11. And you are likewise to signify His Majesty's Pleasure unto the Members of His said Council, that if any of them shall hereafter Absent themselves from the said Province, and continue Absent above the Space of twelve Months together, without leave from you, or from the Commandr in Chief of the said Province for Yr time being first had and obtained under your or his hand and Seal or shall remain Absent for the Space of two Years Successively without His Majtys leave given him or them under His Royal Signature, their place or places in the said Council shall immediately thereupon become Void, and that His Majesty will forthwith appoint others in their stead.

12. And altho' by your Commission aforesaid His Majesty has thought fit to direct, that any three of Yr Councillors make a Quorum. It is nevertheless His Majesty's Will and Pleasure, that you do not Act with a Quorum of less than five Members, unless upon Extraordinary Emergencies, when a greater Number than three cannot conveniently be had.

13. And whereas His Majesty is sensible, that effectual Care ought to be taken to oblige the Members of His Council to a due attendance thereon, in Order to prevent the many

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inconveniences that may happen for want of a Quorum of the Council to transact Business as Occasion may require. It is His Majtys Will and Pleasure, that if any of the Members of the said Council then residing in the Province, shall hereafter wilfully Absent themselves when duly summoned, without a just and lawful Cause, and shall persist therein after admonition, you suspend the said Councillors so absenting themselves till His Majesty's further Pleasure be known, giving His Majty timely notice thereof. And you are to signify this His Majesty's Pleasure to the several Members of the Sd Council aforesaid, and that it be Entred in the Council Books of the said Province as a standing Rule.

14. You shall take care that the Members of the Assembly be Elected only by Freeholders, as being more agreable to the Custom of this Kingdom, to which you are as near as may be to conform yourself in this particular.

15. You are to Observe in the passing of Laws, that the Stile of Enacting the same, be by the Govr, Council and Assembly and no other. You are also as much as possible to observe in the passing of all Laws, that whatever may be requisite upon each different matter be accordingly provided for by a different Law, without intermixing in one and the same Act such things as have no proper relation to each other. And you are more especially to take care that no Clause

or

or Clauses be inserted in or annexed to any Act which shall be Foreign to what the Title of such respective Act Imports: And that no perpetual Clause be part of any Temporary Law, and that no Act whatever be Suspended, Altered, Revived, Confirmed or Repealed by general words, but that the Title & Date of such Act so suspended, Altered, Revived, Confirmed or Repealed be particularly, mentioned & Expressed

16. You are also to take Care that no private Act be passed in which there is not a saving of the Right of His Majesty, His Heirs and Successors, all Bodies Politick or Corporate, and of all other persons, except such as are mentioned in the said Act.

17. And whereas great mischiefs may arise by passing Bills of an unusual & Extraordinary Nature and Importance in the Plantations, all Bills remaining in Force there from the time of Enacting, until His Majesty's Pleasure be Signified to the Contrary, You are hereby required not to Pass or give Your Consent hereafter to any Bill or Bills in the Assembly of the said Province of unusual & Extraordinary Nature and Importance, wherein His Majesty's Prerogative or the Property of His Subjects may be prejudiced or the Trade or Shipping of this Kingdom in any ways affected until you shall have first transmitted unto His Majesty the Draught of such a Bill or Bills, and shall have received His Majesty's Pleasure thereupon

thereupon; unless you take care in the passing of any Bill of such nature as before-mentioned, that there be a Clause inserted therein, suspending and deferring the Execution thereof until His Majesty's Pleasure shall be known concerning the same wch you are likewise to observe in the passing of all Acts, that shall repeal any Act or Acts that have had the Royal Assent.

18. And that it may be the better understood what Acts and Laws are in force in the said Province of Carolina: You are with the Assistance of the Council to take care that all Laws now in force be revised and considered, and if there be anything either in the matter or Stile of them, which may be fit to be retrenched or Altered. You are to represent the same unto His Majesty with your Opinion touching the said Laws now in force (whereof you are to send a compleat Body unto His Majesty and to His Comrs for Trade and Plantations) with such alterations as you shall think requisite to the end His Majesty's approbation or disallowance may be signify'd thereupon.

19. You are to transmit Authentick Copies of all Laws, Statutes, and Ordinances, that are now made and in force, which have not yet been sent, or which at any time hereafter shall be made or Enacted within the said Province, each of them seperately under the Publick Seal unto His Majty and to his

Said

said Comrs for Trade & Plantas within three Months or sooner after their being Enacted together with Duplicates thereof by the next Conveyance, both which Copies and Duplicats are to be fairly abstracted in the Margin, upon pain of his Majestys high displeasure, and of the forfeiture of that Years Salary wherein you shall at any time or upon any pretence whatsoever, Omit to send over the sd Laws, Statutes and Ordinances aforesaid, within ye time above limitted, as also of such other penalty as his Majesty shall please to inflict. But if it shall happen that during the time of War no Shipping shall come from the sd Province within three Months after ye making such Laws, Statutes and Ordinances whereby the same may be transmitted as aforesaid, then the said Laws, Statutes and Ordinances are to be are to be transmitted by the next Conveyance after the making thereof whenever it may happen for his Majestys Approbation or Disallowance of the same.

20. And his Majestys further Will and Pleasure is, that upon every Act which shall be transmitted, there be ye several Dates, or respective times, when the same passed the Assembly, ye Council and received your Assent, and you are to be as particular as may be, in your observations (to be sent to his Majestys Commissrs for Trade and Plantations) upon every Act, that is to say, whether the same is introductive of a new Law, Declaratory of a former Law, or for the repeal of any Law in being; And you are

are likewise to send to the S[d] Commiss[rs] the reasons for y[e] passing of such Law, unless the same do fully appear in the Preamble of the S[d] Act.

21. You are for the better administration of Justice to endeavour to get a Law passed wherein shall be set the Value of Mens Estate either in Goods or Lands, under which they shall not be capable of serving as Jurors.

22. You shall Administer or Cause to be Administred the Oaths appointed to be taken by the aforem[d] Act for the further security of His Majesty's person and Government & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants. And for extinguishing the hopes of y[e] pretended Prince of Wales, and his Open and Secret Abettors, unto all Members and Officers of the Council & Assembly, all Judges and Justices, and all other persons that hold any Office or Place of Trust or Profit in the S[d] Province, and you shall also cause them to make and subscribe the fores[d] Declaration, without the doing of all which you are not to admit any person whatsoever into any Publick Office, nor suffer those that have been admitted formerly to continue therein.

23. You are to take care that in all Acts or Orders to be passed within that Province in any case for levying Money or imposing Fines & Penalties express mention be made that the same is granted or reserved to His Maj[ty] his heirs & Success[rs] for y[e] publick Uses of that Province & the support of the Government thereof.

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21. You are for the better administration of Justice to endeavour to get a Law passed wherein shall be set the Value of Mens Estate either in Goods or Lands, under which they shall not be capable of serving as Jurors.

22. You shall Administer or Cause to be Administred the Oaths appointed to be taken by the afores[d] Act for the further security of his Majesty's person and Govern[mt] & the Succession of the Crown in the Heirs of the late Princess Sophia being Protestants. And for extinguishing the hopes of y[e] pretended Prince of Wales, and his Open and Secret Abettors, unto all Members and Officers of the Council & Assembly, all Judges and Justices, and all other persons that hold any Office or Place of Trust or Profit in the s[d] Province, and you shall also cause them to make and subscribe the fores[d] Declaration, without the doing of all which you are not to admit any person whatsoever into any Publick Office, nor suffer those that have been admitted formerly to continue therein.

23. You are to take care that in all Acts or Orders to be passed within that Province in any case for Levying Money or imposing Fines & Penalties express mention be made that the same is granted or reserved to his Maj[ty] his heirs & Success[rs] for y[e] publick Uses of that Province & the support of the Govern[mt] thereof.

as

as by y^e^ s^d^ Act or Order shall be directed

24. And his Majesty does particularly require and Command that no Mony or Value of Mony whatsoever, be given or granted by any Act or Order of Assembly to you the Gov^r^ Lieut: Gov^r^ or Comman^r^ in Chief of the said Province which shall not according to the Stile of Acts of Parliam^t^ of Great Britain be mentioned to be given & granted unto his Majesty, with the humble desire of such Assembly, that the same be apply'd to the use and behoof of such Gov^r^ Lieuten^t^ Gov^r^ or Commander in Chief, if his Majesty shall think fit; Or if he shall not approve of such Gift or Application, that the said Mony or Value of Mony, be then disposed of and appropriated to such other uses as in the said Act or Order shall be mentioned; And that from the time the same shall be raised, it remain in the hand of the Receiver General of the said Province, until his Majesty's Pleasure shall be known thereon

25. And whereas several inconveniences have arisen to his Majesty's Governm^ts^ in the Plantations by Gifts and presents made to the Governors by the General Assemblies: You are therefore to propose unto the said General Assembly, and use your utmost Endeavours with them, that an Act be passed for raising and settling a Publick Revenue for defraying the necessary Charge of the Governm^t^ of the said Province. And that therein Provision be particularly made, for a Competent Salary

to

to yourself as Cap: General and Govr in Chief of the said Province, and to any other succeeding Cap: Genl for supporting the Dignity of the said Office. as likewise due Provision for the contingent Charges of Our Council and Assembly, and for the Salaries of the respective Clerks and other Officers thereunto belonging. As likewise of all other Officers necessary for the Administration of that Government. And when such Revenue shall soever been settled, and Provision made as aforesaid, then his Majesty's Express Will and Pleasure is, that neither You the Gov. nor any Governor, Lieut. Govr Commander in Chief or President of the Council of the said Province of Carolina for the time being, do give your or their consent to the passing any Law or Act for any Gift or Present to be made to you or them by the Assembly, and that neither you nor they do receive any Gift or Present from the Assembly or others on any Account or in any manner whatsoever, upon pain of his Majesty's highest displeasure, and of being recalled from that Government.

26. And his Majesty does further direct and require, that this Declaration of his Royal Will and Pleasure be communicated to the Assembly at their first meeting after your Arrival in that Province, and entred into ye Journals of the Council and Assembly. that all persons whom it may Concern may govern themselves accordingly.

27. And whereas His Majesty is willing, in the best manner to provide for the support of the Governmt of the said Province by setting apart sufficient allowances to such as shall be Govern.r or Commander in Chief residing for the time being within the same. His Majesty's Will and Pleasure therefore is that when it shall happen that you shall be absent from that Province, one Moyty of the Salary, and of all Perquisites and Emoluments whatsoever, which would otherwise become due unto you, shall during the time of your Absence be paid and satisfyd unto such Gov.r or Commander in Chief who shall be resident within the said Province for the time being. which His Majesty does hereby order and allot unto him for his maintenance, and for the better support of the Dignity of that Governmt.

28. And whereas great prejudice may happen to His Majesty's Service, and the Security of that Province by your absence from those parts; You are not upon any pretence whatsoever to come into Great Britain without having first Obtained Leave for so doing from His Majesty under His Royal Signet and Sign Manual, or by His Majesty's Order in His Privy Council But in Case of your being seized by any dangerous Sickness, which may make it necessary for you to change the Air by removing to some other Climate in Order to the recovery of Your health, His Majesty does permit you to repair to New York or such other Northern Plantations on the Continent of America, as you judge most

most convenient: Provided you do not remain absent from your Governm^{t} any longer, than shall be absolutely necessary for your recovery from such dangerous sickness.

29. And whereas his Majesty has thought fit by his Commission to direct that in case of your Death or Absence from the s^{d} Province, and in case there be at that time, no person upon the place commissionated or appointed by his Majesty to be Lieu^{t} Gov^{r} or Command^{r} in Chief the Eldest Councillor who shall be at y^{e} time of your Death or Absence, residing within y^{e} Province of Carolina shall take upon him the Administration of the Governm^{t} and Execute his Majesty's said Commission & Instructions, and the several Powers and Authorities therein contained in y^{e} manner therein directed. It is nevertheless his Majesty's Express will & Pleasure that in such case the s^{d} President shall forbear to pass any acts but what are immediately necessary for the Peace & Welfare of the s^{d} Province, without his Majesty's particular Order for that purpose.

30. You are not to permit any Clause whatsoever to be inserted in any Law for Levying Money or the Value of Money, whereby the same shall not be made liable to be accounted for unto his Majesty in this Kingdom and to the Commiss^{rs} of his Majesty's Treasury, or to his High Treasurer of Great Britain for the time being.

31. And his Majesty does particularly require and enjoyn you upon pain of his highest displeasure to take Care that fair Books of Accounts of all receipts and payments of all such money be duly

duly Kept, and ye truth thereof attested upon Oath, and that the said Books be transmitted every half year or oftner to the Commissioners of his Majestys Treasury, or to his high Treasurer for the time being, and to his Commrs for Trade and Plantations, and Duplicates thereof by the next Conveyance In which Books shall be specifyd every particular Sum raised or disposed of, together with the Names of the persons to whom any payment shall be made, to the end his Majesty may be satisfyd of the right & due Application of ye Revenue of the Sd Province.

32. You are not to suffer any publick mony whatsoever to be issued or disposed of otherwise than by Warrt under your hand & by & with the advice & Consent of the Council But the Assembly may nevertheless be permitted from time to time to View and Examine the Accts of mony or Value of Mony disposed of by Virtue of Laws made by them, which you are to signify to them as there shall be Occasion.

33. It is his Majestys Express Will and Pleasure, that no Law for raising any Imposition on Wines or other Strong Liquors be made to continue for less than one whole Year. And that all other Laws made for the Supply & Support of the Govermt shall be indefinite and without limitation except the same be for a Temporary Service, and which shall Expire & have their full effect within the time therein prefixt.

34. And whereas several other Laws have formerly been Enacted in the Plantations for so short a time, that his Majesty

Assent

Assent or refusal thereof could not be had thereupon, before the time for which such Laws were Enacted did Expire: You shall not for the future give your Assent for any Law that shall be Enacted for a less time than two Years (Except in y^e^ Cases mentioned in the foregoing Article) * * And you shall not re-Enact any Law to which his Majesty's Assent has once been refused, without Express Leave for that purpose first Obtain'd from his Majesty. upon a full Representation by you to be made of the reasons and necessity of passing such Laws.

35. And whereas the Members of Several Assemblies in y^e^ Plantations have of late years Assumed to themselves Privileges no ways belonging to them, Especially of being protected from Suits at Law during the time the remain of the Assemblies to the great prejudice of their Creditors & the Obstructing of Justice. And some others have presumed to adjourn themselves at pleasure, without Leave from his Majesty's Governor first obtained. And others have taken upon them the sole framing of money Bills refusing to let the Council alter or Amend the Same. All which are very detrimental to his Majesty's Prerogative. If upon your calling an Assembly in Carolina you find them insist upon any of the above s^d^ Privileges you are to signify to them that it is his Majesty's Express Will & Pleasure, that you do not allow any protection to any Member of the Council or Assembly further than in their persons and that only during the sitting of the Assembly. and that you are not to

allow

allow them to adjourn themselves otherwise than de die in diem, except Sundays and Holidays, without leave from you, or the Commander in Chief for the time being first obtained. And that the Council have the like power of framing, mending, or altering money Bills as the Assembly. And you are hereby Expressly enjoyned not to allow the Members of Assembly in Carolina any power or privilege whatsoever which is not allowed by his Majesty to Members of the House of Commons in Gr: Britain. ~~Vide Virginia~~

36. You shall take care than an Act passed here, in the 6th Year of the Reign of her late Majesty Queen Ann, Entituled. An Act for Ascertaining the Rates of Foreign Coins in ye Plantations in America, be duly observed and put in Execution.

37. And you are particularly not to pass any Law, or do any Act by Grant Settlement or otherwise whereby the publick Revenues may be lessened or impaired, without his Majesty's especial leave or Command therein.

38. You shall not remit any Fines or Forfeitures whatsoever above the sum of ten pounds, nor dispose of any Escheats, Fines or Forfeitures whatsoever until upon signifying to the Comrs of his Majesty's Treasury or his High Treasurer for the time being, and to his Commissrs for Trade and Plantations ye Nature of the Offence, and the Occasion of such Fines, Forfeitures or Escheats with the particular Sums or Value thereof (which you are to do with all speed) you shall have received his Majesty's

Directions

Directions therein: But you may in the meantime suspend the paym.ts of such Fines & Forfeitures.

39. You are to require the Secretary of the s.d Province to furnish you with transcripts of all such Acts & publick Orders as shall be made from time to time together with a Copy of the Journals of the Council. And that such transcripts and Copies be fairly abstracted in the Margins, to the end the same may be transmitted unto his Majesty and to his Commiss.rs for Trade and Plantations as above directed, which he is duly to perform upon pain of incurring the Forfeiture of his Office.

40. You are to require from the Clerk of the Assembly or other proper Officer, transcripts of all Journals and other proceedings of the said Assembly, and that all such transcripts be fairly Abstracted in the Margins, to the end the same may be in like manner transmitted to his Majesty & to his Com.rs for Trade & Plantations as aforesaid.

41 You shall transmit to his Majesty, and to his Commiss.rs for Trade and Plantations by y.e first Opportunity a Map, with the exact discription of the whole Province under Your Govern.t with the several Plantations upon it and of the Fortifications.

42. You are to transmit unto his Majesty, and to his Commiss.rs for Trade and Plantations with all conveniant Speed a particular account of all Establishments of

Juris-

Jurisdictions, Courts, Offices and Officers, Powers, Authorities, Fees and Privileges, which shall be granted or settled within the said Province by Virtue and in pursuance of his Majesty's Commission and Instructions to you the said Cap: General and Govr in Chief of the same, to the end you may receive his Majesty's further directions therein.

43. You shall send a List of all the Officers Employd under your Governmt together an Account of both the Ordinary and Extraordinary or Contingent Charges thereof, and of such Funds as are or shall be settled and Appropriated to discharge the same.

44. You shall send an Account to his Majesty, and to his Commissrs for Trade and Plantations of ye present Numbers of Planters and Inhabitants, Men, Women and Children, as well Mastrs as Servants Free and Unfree, and of the Slaves in the sd Province, as also a Yearly Account of the increase or decrease of them, and how many of them are fit to bear Arms in the Militia of the sd Province.

45. You shall also Cause an Exact Accot to be kept of all persons, born, Christned & buried, and send Yearly fair Abstracts thereof to his Maj: and his Comrs for Trade and Plantations as aforesd.

46. You shall not displace any of the Judges, Justices, Sheriffs or other Officers or Ministers within the said Province, without good and sufficient Cause to be signifyd unto

unto his Majesty and to his Com^{rs} for Trade & Plantations; and to prevent Arbitrary removals of Judges and Justices of the Peace you shall not Express any Limitation of time in the Commissions, which you are to grant with the Advice & Consent of the Council of the Sd. Province to persons fit for those Employments, nor shall you Execute yourself or by Deputy any of the Sd Offices nor suffer any person to Execute more Offices than one by Deputy.

47. You shall not Erect any Court or Office of Judicature not before Erected or Established, nor dissolve any Court or Office already Erected or Established, without his Majestys Especial Order.

48. And you are with the Advice and Consent of his Majestys Sd Council, to take care to regulate all Salaries & Fees belonging to places or paid upon Emergencies, that they be within the Bounds of Moderation, and that no Exaction be made on any Occasion whatsoever; As also that Tables of all Fees be publickly hung up in all places, where such Fees are to be paid. And you are to transmit Copies of all such Tables of Fees to his Majesty, and to his Commiss^{rs} for Trade and Plantations as aforesaid.

49. Whereas it is necessary that his Majestys Rights and Dues be preserved and recovered, and that speedy & effectual Justice be Administred in all cases relating to the Revenue, you are to take care that a Court of Exchequer be called and do meet at all such times as shall be needful, and you are upon your

Arrival

arrival to inform His Majesty, and His Commissrs for Trade & Plantats whether His Majesty's Service may require, that a constant Court of Exchequer be settled & Established there.

50. You are to take care that no Man's Life, Member, Freehold or Goods be taken away or harmed in the sd Province, otherwise than by Established and Known Laws, not repugnant to, but as near as may be agreeable to the Laws of this Kingdom.

51. You are to take care that all Writs within the said Province be issued in His Majesty's Name.

52. And whereas frequent Complaints have been made to His Majty of great delays and undue proceedings in the Courts of Justice in several of the Plantations, whereby many of His Majesty's Subjects have very much suffered. And it being of the greatest Importance to His Majesty's Service and to the Welfare of the Plantations, that Justice be everywhere speedily and duly Administred, and that all disorders, delays & other undue practises in the Administrat[n] thereof be effectually prevented, His Majesty do's particularly require you to take especial care, that in all Courts where you are Authorized to preside, Justice be impartially Administred and that in all other Courts Established within the said Province, all Judges and other persons therein concerned do likewise perform their several Duties without any delay or partiality.

53.

53. His Majesty does further by these presents will and require you to permit Appeals to be made in cases of Errors from the Courts in Carolina unto you the Governor and Council in Civil Causes. Provided the Value Appealed for do exceed the sum of one (hundred) pounds Sterlg and security be first duly given by the appellant to answer such charges as shall be awarded in case the first sentence shall be affirmed, Provided also that if any of the said Council shall at that time be Judges of the Court from whence such Appeal shall be made to you His Majesty's Governor and Council, or to the Commandr in Chief for the time being & Council, such Council or Councillors shall not be admitted to Vote upon the said Appeal. But he or they may nevertheless be present at ye hearing thereof to give the reasons of the Judgment given by him or them in the Cause wherein such appeal shall be made.

54. And whereas His Majesty judges it necessary, that all his subjects may have liberty to Appeal unto himself in Cases that may require the same. His Majesty's Will & Pleasure therefore is, that if either party shall not rest Satisfyd with the Judgment or Sentence of his Governor and Council, they may then Appeal unto His Majesty in His Privy Council. Provided the matter in difference, exceed the real Value and Sum of three hundred pounds Sterlg. And that such Appeal be made within fourteen days after Sentence, and that Security be likewise duly given by the Appellant to answer such

Charges

Charges as shall be awarded in case ye Sentence of the Govr and Council be affirmed, and provided also, that Execution be not suspended by reason of any such Appeal unto His Majesty.

55. In case any Goods, Money or other Estate of Pirates or Piratically taken, shall be brought in or found within his Majestys said Province of Carolina, or taken on Board any Ships or Vessels, you are to cause the same to be seized and secured until you shall have given his Majesty an Account thereof and received his pleasure concerning the disposal of the same. But in case such Goods or any part of them are perishable, the same shall be publickly sold and disposed of, and the produce thereof in like manner secured until his Majestys further Order.

56. Whereas Commissions have been granted unto several persons in the respective Plantations in America, for the Trying of Pirates in those parts, pursuant to the Act for the more effectual Suppression of Piracy, you will likewise herewith receive a Commission to ye same purpose and his Majestys Will and Pleasure is, that in all matters relating to Pirates you govern yourself according to the intent of the said Act and Commission. But whereas Accessaries in Cases of Piracy beyond the Seas, are by the said Act left to be tryd in England, according to the Statute of the 28th of King Henry the Eighth, You are hereby further directed & required

required to send all Such Accessories in Cases of Piracy in the aforesaid Province of Carolina, with the proper Evidences, that you may have against them into G. Britain in order to their being tryed here. It is Hs Majestys further Will and Pleasure, that no persons for the future be sent as Prisoners to this Kingdom from the said Province of Carolana, without sufficient proof of their Crimes, and that Proof transmitted along with the said Prisoners

57. You are to permit a Liberty of Conscience to all persons (except Papists) so they be contented with a quiet and peaceable enjoyment of the same, not giving Offence or Scandal to the Government.

58. You shall take care that all Planters, Inhabitants, & Christian Servants be well & fitly provided with Arms, and that they be listed under good Officers & when and as often as shall be thought fit, Mustred and trained, whereby they may be in a better readiness for the Defence of the sd Provinc And for the greater Security thereof. You are to appoint fit Officers & Commanders in the several parts of that Country bordering upon the Indians, who upon any Invasion may raise Men and Arms to Oppose them, until they shall receive Your directions therein.

59. You are to take especial Care, that neither the frequency nor unreasonableness of remote Marches, Musters or Trainings

Trainings be an unnecessary impediment to the affairs of the Inhabitants.

60. You shall not upon any Occasion whatsoever Establish or put in Execution any Articles of War or other Law Martial upon any of his Majesty's Subjects, Inhabitants of the said Province, without the Advice and Consent of his Majesty's Council there.

61. And whereas You will receive from his Majesty's Comm^rs for Executing the Office of High Admiral of Great Britain and of y^e Plantations a Commission of Vice Admiral of the said Province of Carolina You are hereby required and directed carefully to put in Execution the Sev^l Powers thereby granted you.

62. You shall take an Inventory of all such Arms, Ammunition and Stores as are remaining in any Magazines or Garrisons in the said Province, and transmit the said Account and Inventory to his Majesty, and to his Commiss^rs for Trade and Plantations with all speed, and the like Inventory afterwards, half yearly, as also Duplicate thereof to the Master General or Principal Officers of the Ordnance, which Accounts are to express the particulars of Ordnance, Carriages, Ball, Powder and all other sorts of Arms and Ammunition in the publick Stores, and so from time to time of what shall be sent you, or bought with the publick money, & to specify the time of the disposal and the Occasion thereof. It being his Majesty's Pleasure, that such Accounts be transmitted

mitted as aforesd every Six Months or oftner as opportunity shall offer for his Majestys better Information, and Duplicates thereof by the next Conveyance.

63. You are to take especial care that fit Store houses be settled in the sd Province, for receiving & keeping of Arms, Ammunition & other publick stores.

64. And whereas it is absolutely necessary that his Majesty be exactly informed of the State of Defence of all his Plantations in America in every respect and more especially with relation to the Forts and Fortifications that are in each Plantation & what more may be necessary to be built for the Defence and Security of the same. You are so soon as possible after your Arrival at Carolina, to prepare an Accot thereof with relation to the said Province in the most particular manner, and to transmit the same to his Majesty, and to his Commissrs for Trade and Plantations and the like Accounts afterwards Yearly.

65. You shall cause a Survey to be made of all the Considerable Landing places and Harbours in the sd Province and with the Advice of his Majestys Council there, Erect in any of them such Fortifications as shall be necessary for the Security and Advantage of the said Province, which shall be done at the Publick Charges; and you are accordingly to move the General Assembly to the passing of such Acts as may be requisite for the Carrying on of that Work in which his Majesty does not doubt

of

of their Chearful concurrence from the Common Security & Benefit they will receive thereby.

66. And that his Majesty may be the better informed of the Trade of the sd Province, You are to take especial Care, that due Entries be made in all Ports thereof, of all Goods & Commodities, their Species and Quantities, imported or exported from thence, with the Names, Burthen and Guns of all Ships importing and exporting the same as also the Names of their Commanders, and further expressing from and to what places the said Ships do come and go (a Copy whereof the Naval Officer is to furnish you with) and you are to transmit the same unto his Majesty, and to his Commissioners of the Treasy or the high Treasurer of G: Britain for the time being & to his Commissrs for Trade and Plantations Quarterly & Duplicates thereof by ye next conveyance.

67. Whereas his Majesty has been informed, that during the late War intelligence has frequently been had in France of the State of the Plantations, by Letters from private persons to their Correspondents in Great Britain, taken on Board Ships coming from the Plantations and carried into France which may be of dangerous consequence. his Majesty's Will and Pleasure therefore is that you signify to all Merchants, Planters and others, that they be very cautious in time of War in giving any Account by Letters of the publick State and condition of the said Province of Carolina And you are further to give directions to all Masters of Ships or

other

other persons to whom you may intrust your Letters, that they put such Letters into a Bagg with a sufficient weight to sink the same immediately in case of imminent danger from the Enemy. And you are also to let the Merchants and Planters know how greatly it is for their Interest, that their Letters should not fall into the hands of the Enemy. And therefore that they should give the like Orders to the Masters of Ships in relation to their Letters. And you are further to Advise all Masters of Ships that they do sink all Letters in Case of danger in the manner before mentioned.

68. And whereas in the late Wars, the Merchants and Planters in the West Indies did Correspond and Trade with the French, and carry intelligence to them to the great prejudice and hazard of the British Plantations. You are therefore by all possible methods to endeavour to hinder all such Trade and Correspondence with the French whose strength in the West Indies, gives very just Apprehensions of the Mischiefs that may ensue, if the utmost care be not taken to prevent them.

69. Whereas by the 5th and 6th Articles of the Treaty of Peace & Neutrality in America concluded between England and France the 16 Day of Novr 1686, the Subjects, Inhabitants &c. of each Kingdom are prohibited to Trade & Fish in all places possessed, or which shall be possessed by the other in America. And that if any Ships shall be found trading contrary to the 5th Treaty, upon due proof the said Ships shall be confiscated. But in case the Subjects of either

either King shall be forced by stress of Weather, Enemies or other necessity into the Ports of the other in America, they shall be treated with Humanity and Kindness and may provide themselves with Victuals and other things necessary for their sustenance and Reparation of their Ships at reasonable rates. Provided they do not break Bulk nor carry any Goods out of their Ships Exposing them to sale, nor receive any Merchandize on Board under penalty of confiscation of Ships and Goods. Notwithstanding wch Treaty His Majesty is given to understand that an illegal Trade has been carryd on between the British Plantations & the French Settlements in America on pretence, that there is no Law in force against such Trade. It is therefore his Majestys Will and Pleasure, that you Signify to all his Subjects under your Government the purport and intent of the above said two Articles, and that you take particular care that the same be punctually Observed and put in Execution, and that no illegal Trade be carryd on between His Majestys Subjects in Carolina and the French Settlements by any of his Majestys Ships of War attending that Province, or by any other British Ships, as likewise that none of the French Subjects be allowd to Trade from their said Settlements to Carolina.

Yo. You are from time to time, to give an Account as before directed, what Strength your bordering Neighbours have (be they Indians or others) by Sea and Land, and of the condition of their Plantations, and what Correspondence you do keep with them.

Y1. And whereas there is great reason to believe, that the Indians

on

on the Frontiers of Carolina, who have of late Years fallen off from the British Intrest there, have been in some measure provoked thereunto by the Injustice or ill usuage received from his Majesty's Subjects in your Government And it being highly necessary for the Welfare of Carolina, that a good understanding should be maintained with the said Indian Nations, as well for the promoting of Trade as for the Security of the Frontiers of your Government, you are hereby particularly enjoyned to use all possible ways and means for regaining the affections of the said Indians and to preserve a good correspondence with such of them as remain faithful to his Majesty's Intrest but especially with the Cherokee Indians Inhabiting the Mountains on the North West side of the said Province of South Carolina And you are likewise hereby directed to recommend in the strongest terms to the Indian Traders to be just and reasonable in their dealings with the Native Indians, and likewise to propose to the Assembly if You and his Majesty's Council shall judge it necessary to pass one or more Laws for the better regulation of the s[d] Indian Trade and for the incouragement & protection of such Indians as shall adhere to his Majesty's Intrest.

42. You shall take especial care, that God Almighty be devoutly & duly served throughout your Government, the Book of Common Prayer, as by Law Established read each Sunday and Holyday, and the blessed Sacrament Administred, according to the Rites of the Church of England.

43.

¶3. You shall take care that the Churches already Built there be well and orderly kept, and that more be built as the Province shall by Gods blessing be Improoved, and that besides a Competent maintenance to be Assigned to the Minister of each Orthodox Church, a convenient House be built at the Common Charge for each Minister, and a Competent proportion of Glebe Assigned him.

¶4. And you are to take care that the Parishes be so bounded & settled, as you shall find most convenient for accomplishing this good work.

¶5. You are not to prefer any Minister to any Ecclesiastical Benefice in that Province without a Certificate from the Right Reverend Father in God the Lord Bishop of London, or some other Bishop, of his being conformable to ye Doctrine and Discipline of the Church of Engld and of a good life, and conversation. And if any person preferred already to a Benefice, shall appear to you to give Scandal, either by his Doctrine or Manners: You are to use the proper and usual means for the removal of him, and to supply the Vacancy in such manner as his Majesty has directed.

¶6 You are to give Orders forthwith (if the same be not already done) that every Orthodox Minister within your Govern.t be one of ye Vestry in his respective Parish & that no Vestry be held without him, except in case of sickness, or that after notice of a Vestry summond he omits to come.

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77. You are to enquire whether there be any Minister within your Government who Preaches and Administers the Sacrament in any Orthodox Church or Chappel, without being duly Ordered, and to give an Account thereof to y^{r} S^{d} Lord Bishop of London.

78. And to the end the Ecclesiastical Jurisdiction of the L^{d} Bishop of London may take place in that Province so far as conveniently may be; his Majesty thinks fit that you give all Countenance and Encouragem^{t} to the Exercise of the same, excepting only the Collating to Benefices, granting Licences for Marriages and Probates of Wills which his Majesty has reserved to you, & to the Commander in Chief of the said Province for the time being, as far as by Law he may.

79. And his Majesty does further direct, that no Schoolmaster be hence-forward permitted to come from this Kingdom, and to keep School in that Province, without the Licence of the S^{d} Lord Bishop of London, but when such persons so qualify'd as above shall be wanted for the Promotion of Learning and good Education, you may yourself Licence such other Persons as you shall think qualify'd for such Employm^{ts} and that no other person now there, or that shall come from other parts, shall be admitted to keep School in Carolina, without your Licence first obtained.

80. And you are to take especial care, that a Table of Marriages Established by the Canons of the Church of England be hung up in every Orthodox Church and duly observed; And you are to endeavor

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to get a Law passed in the Assembly of that Province (if not already done) for the Strict Observation of the said Table.

81. You are to take care that Drunkenness, and Debauchery, Swearing, and Blasphemy be discountenanced and punished; and for the further discountenance of Vice and Encouragemt of Virtue and good Living, (that by such Example the Infidels may be invited and desire to Embrace the Christian Religion) You are not to admit person to public Trusts and Employments in the Province under Your Governmt whose ill Fame & conversation may Occasion Scandal.

82. You are to suppress Yr Engrossing of Commodities tending to the prejudice of that Freedome which Commerce and Trade ought to have, and to settle such Orders & Regulations therein, with the Advice of Yr Council, as may be most acceptable to the generality of the Inhabitants.

83. You are to give all due Encouragement and Invitation to Merchants and others who shall bring Trade unto the said Province, or any way contribute to the Advantage thereof, & in particular to the Royal African Company.

84. And his Majesty is willing to recommend unto the said Company, that the said Province may have a constant and sufficient Supply of Merchantable Negroes at Moderate Rates in Money or Commodities, so you are to take especial care, that payment be duly made & within a competent time according to

to their agreement.

85. And whereas the Sd Company have frequently great Sums of Mony owing to them in the Plantations in America, they have be much hindred in the recovery of their just Debts there; and discouraged in their Trade by their too frequent Adjournment of Courts, and it being absolutely necessary that all Obstructions in the Course of Justice be effectually removed. You are to take care that Courts of Justice be duly & frequently held in the said Province of Carolina, under your Government; so that all His Majesty's Subjects in the Sd Province, and particularly Yr Royal African Company, and others Trading to Africa may enjoy the Benefit thereof, and not to receive any undue hindrance in the recovery of their just Debts.

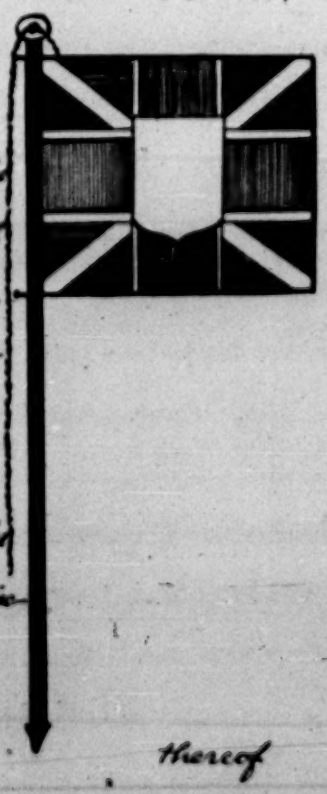
86. And you are further Expressly Commanded and required to give unto His Majesty, and to the Comrs for Trade and Plantations, an Acco: every half year, of what number of Negroes the said Province is Supplyd with, that is what Number by the African Compa and what by Seperate Traders, and at what Rates Sold.

87. You are likewise from time to time, to give unto His Majesty and to the Commissioners for Trade and Plantations as aforesaid an Account of the wants and defects of the said Province, what are the chief Products thereof, what new Improvements are made therein by the Industry of the Inhabitants

Inhabitants or Planters? and what further Improvements you Conceive may be made or advantages gained by Trade and which way his Majesty may contribute thereunto.

88. You are not to grant Commissions of Marque or Reprisals against any Prince of State or their Subjects in Amity with his Majesty to any Person whatsoever, without his Majesty's especial Comd.

89. Whereas great inconveniences do happen by Merchant Ships and other Vessels in the Plantations, wearing the Colours born by his Majtys Ships of War under pretence of Commissions granted to them by the Governors of the said Plantations, and that by Trading under those Colours not only amongst his Majesty's Subjects, but also those of other Princes and States, and committing divers Irregularities, they do very much dishonour his Majesty's Service. For prevention whereof, you are to oblige the Commanders of all Ships to which you shall grant Commissions, to wear no other Jack than according to the Sample here described, that is to say, such as is worn by his Majesty's Ships of War, with the Distinction of a white Escutcheon in the middle thereof; And that the mark of distinction may extend it self to one half of the Depth of the Jack, and one third of the Fly



thereof

thereof.

90. And whereas there has been great Irregularities in the Manner of granting Commiss^ns in the Plantations to privak Ships of War: You are to govern yourself according to the Commiss^ns and Instructions granted in this Kingdom Copies whereof will be herewith deliver'd you.

91. In case of any distress of any other of his Majestys Plantations, you shall upon Application of the respective Governors thereof to you, assist them with what aid the Condition and safety of the Province under your Government can spare.

92. You are to endeavour to get a Law passed (if not already done) for y^e restraining of any Inhumane Severity, which by ill Masters or Overseers may be used towards their Christian Servants or their Slaves, and that Provision be made therein, that the wilful killing of Indians and Negroes may be punished with Death, and that a fit penalty be Imposed for the Maiming of them. And you are also with the Assistance of the Council and Assembly, to find out the best means to facilitate and encourage the Conversion of Negroes and Indians to the Christian Religion.

93. You are to endeavour to get an Act passed (if not already done whereby the Creditors of persons becoming Bankrupts in this Kingdom, and having Estates in Carolina may be relieved and satisfy'd for the debts owing to them.

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94. If His Majesty shall judge it necessary for His Service to appoint a Lieut: Govr. of North Carolina. You are hereby required to give him an Authentick Copy of Your Instructions whereby he will conduct himself in the Government of that Province, and he will be directed by his Commission to obey such Orders as he shall from time to time receive from you for His Majesty's Service.

95. If anything shall happen, that may be of advantage and Security to His Majesty's said Province, which is not herein, or by your Commission provided for, His Majesty does hereby allow unto you, with the Advice and consent of the Council, to take Order for the present therein, giving to His Majesty by one of His Principal Secretaries of State, and to His aforesd Commissrs for Trade and Plantations Speedy notice thereof, that so you may receive His Majesty's ratification, if he shall approve of the same. Provided always, that you do not by Colour of any power or Authority hereby given you, Commence or declare War, without His Majesty's Knowledge and particular Commands therein, except it be against Indians upon Emergencies, wherein the consent of His Majestys Council shall be had, and speedy notice given thereof unto His Majesty as aforesaid.

96. And you are upon all Occasions to send unto His Majesty, and to His Commissrs for Trade and Plantations

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a particular Account of all your proceedings, and of the condition of Affairs within your Governmt.

B.P.R.O. South Carolina B.T. Vol. 25 p. 92.

(30th August 1720)

Orders and Instructions for Francis Nicholson Esqr. His Majesty's Cap: General and Commandr in Chief in and over His Majs Province and Territy of So Carolina in America, in pursuance of Several Laws relating to the Trade & Navigation of this His Majesty's Kingdom of Great Britain and His Colonies and Plantations in America, Given at Whitehall the

First you shall inform yourself of the principal Laws relating to the Plantation Trade Vizt the Act for Encouraging and Encreasing of Shipping and Navigation, made in the 12th year of the Reign of King Charles the Second the Act for preventing Frauds and regulating Abuses in ye Customs made in the 14th year of the Sd Kings Reign the Act for encouragement of Trade made in the 15th Year of ye Sd King's Reign the Act for regulating the Plantation Trade made in the 22d & 23rd years of the Sd Kings Reign the

Act

N.B. these Instructions being signed by the Lords Justices the words Our and Us were everywhere changed to His Majesty

Act for the Encouragement of the Eastland and Greenland Trades and better Securing the Plantation Trade, made in the 25th year of the said Kings Reign, and the Act for preventing Frauds & regulating Abuses in the Plantation Trade, made in the 7th and 8th years of the Reign of King William the third, all which Laws you will herewith receive, and you shall take a Solemn Oath to do your utmost, that all the Clauses, Matters and things contained in the before recited Acts of Parliamt heretofore passed, and now in force, relating to Our Colonies & Plantations, be punctually and bona fide Observed, according to the true intent and meaning thereof.

2d And as by the last recited Act, the Officers appointed by the Govern.rs for performance of certain things mentioned in the aforesaid Act for the incouragement of Trade commonly known by the Name of the Naval Officers, are to give Security to the Commiss.rs of Our Customs in this Kingdom for the time being, or such as shall be appointed by them for Our use, for the true and faithfull performance of their Duty, you shall take care that the person, by you so Employ'd do not only give such Security to the said

said Comrs of Our Customs but be approved of by them in manner as thereby is Enjoyn'd.

3d Whereas by the said Act of Navigation, no Goods or Commodities whatsoever are to be imported into or Exported out of any of Our Colons or Plantations in any other ships or Vessels whatsoever, but in Such as do truly and without Fraud belong only to Our People of England or Ireland, or are of the Built of, or belonging to any of Our Lands Islands or Territories as the Proprietors and right owners thereof, and whereof the Master, and three fourths of the Mariners at lest are English under the Penalty of the Forfeiture, and loss of all the Goods & Commodities which shall be Imported into or Exported out of any of the said Places in any other Ship or Vessel, as also of the Ship or Vessel with her Guns, Furniture &c. And Whereas by a clause in the aforesaid Act of Frauds no Foreign Built ship, that is to say, not Built in any of Our Dominions of Asia, Africa or America shall enjoy the Privilege of a Ship belonging to England or Ireland altho' own'd or mann'd by English (except Such Ships only as shall be taken at Sea by Letters of Mart or Reprizal & Condemnation thereof made in

in Our Court of Admiralty as Lawful Prize) but all such ships shall be deemed as Alien's Ships, and be liable to all Duties that Aliens ships are liable to by Virtue of the aforesd Act for the Encourageing and Encreasing of Shipping and Navigation. And whereas by a Clause in ye aforesaid Act for preventing Frauds & Regulating Abuses in the Plantation Trade 'tis Enacted, that no Goods or Merchandizes whatsoever shall be imported into or Exported out of any of Our Colonies or Plantations in Asia, Africa or America, or shall be laden in or carried from any one Port or Place in the said Colonies or Plantations to any other Port or Place in the same; Our Kingdom of England, Dominion of Wales or Town of Berwick upon Tweed, in any ship or Bottom, but what is or shall be of the Built of England or Ireland or of the said Colonies or Plantations, and wholly own'd by the People thereof or any of them, And Navigated with the Master and three-fourths of ye Mariners of the sd Places only, Except such Ships only, as shall be taken Prize, and Condemnation thereof made in one of Our Courts of Admiralty in England, Ireland or the sd Colonies

or

or Plantations to be Navigated by the Master and three fourths of the Mariners English, or of the sd Plantations as aforesd, & whereof the property doth belong to Englishmen, on pain of Forfeiture of Ship and Goods. And whereas by another Clause in the sd Act for the more Effectual prevention of Frauds, which may be used by Colouring Foreign Ships under English Names, tis further Enacted that no ship or Vessel whatsoever shall be deem'd or pass as a Ship of the Built of England, Ireland Wales, Berwick, Guernsey, Jersey, or of any of Our Plantations in America, so as to be qualify'd to Trade to, from or in any of the sd Plantations until the Person or Persons claiming Property in such Ship or Vessel, Shall Register ye Same in manner thereby appointed; You shall take care and give in Charge, that these matters and things be duly observ'd within Our Province of South Carolina according to the true intent & meaning of the sd Acts, and the Offences & Offend- prosecuted according to the Directions thereof. And where it is required that the Master and three fourths of the Mariners be English: you are to understand that the true intent & mean-

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-ing thereof is, that they shall be such during the whole voyage, unless in case of Sickness, Death or being taken Prisoners in the voyage, to be prov'd by ye Oath of the Master or other chief Officer of the Ship, and none but our Subjects of England, Ireland or the Plantations are to be accounted English.

4th Whereas by the said Act of Navigation 'tis further Enacted, that for every ship or Vessel, which shall Set Sail out of or from England, Ireland, Wales or Berwicke upon Tweed, for any English Plantations in America, Asia or africa, sufficient Bond shall be given with one surety to the Chief Officer of the Customs of such Port or Place from whence the said Ship shall Set Sail, to the Value of £1000, if ye ship be of less Burthen than 100 Tons, and of the Sum of £2000 if the ship shall be of greater Burthen, that in case the said Ship or Vessel shall load any of the Commodities therein enumerated (Viz^t Sugar, Tobacco, Cottonwoolle, Indica, Ginger, Fustick or other dying Wood, of the growth, production or Manufacture of any English Plantations in America, Asia or africa) at any

of

of the sd English Plantations, the same Commo-
-dities shall be by the said ship brought to
some Port of England, Ireland, Wales or Berwick
& be there unloaden and put on Shoar, the danger
of the Seas only Excepted, and for all ships coming
from any Port or Place to any of the aforesd Plantations,
wch by this Act are permitted to Trade there,
That the Governors of such Plantations shall
before the said ship or vessel be permitted to
load on Board any of the said Commodities
take Bond in Manner and to the value aforesaid
for each respective Ship or vessel, that such
Ship or vessel shall carry all the aforesd Goods,
that shall be loaden on Board the said Ship
to some other of our said Plantations, or to
England, Ireland, Wales or Berwick; and that
every Ship or vessel which shall load or take
on Board any of the aforesaid Goods until such
Bond be given to the said Governor or Certificate
produced from the Officers of any Custom house
of England, Ireland, Wales or Berwick, that
such Bond hath been there duly given, Shall be
forfeited with her Guns, Tackle, Apparel and
Furniture, to be Employd and recovered as therein is

directed

directed. you are to take notice, that tho' by the said act, the word (Ireland) is to be inserted in the condition of the Bonds, and permission thereby given to bring ye Enumerated Plantation Commodities to Ireland as well as to England, Wales or Berwick, yet by the aforesd Act for regulating the Plantation Trade, (which having been expired, was afterwards received and is now in force) the word (Ireland) is to be left out of the condition of such Bonds, and you are not to permit any Ships or Vessels to load any of the Enumerated Goods upon any Certificate of Bonds having been given in Ireland, but in that case, before they load any of the said Goods, they are to produce Certificates of Bonds given in England, Wales or Berwick, under the hands and seals of ye Customer and Comptroller of Our Customes or their Deputies, in such Port from whence the respective ships shall come, Sign'd also by four or more of the Commissioners of Our Cus-toms in England, or three or more of Our Commis-sioners in Scotland, or to give Bond to yourself or the person appointed to receive the same, with good Security as aforesd and if any ship or Vessel shall load or take on Board any of the said

said Commodities, until such Bond be given or Certificate produced, the said Ship or Vessel is forfeited with Her Guns &c to be recovered and divided, in manner as is therein directed.

6. You shall carefully Examine all Certificates which shall be brought to you of Ships giving Security in this Kingdom to bring their Lading of Plantation Goods hither, as also Certificates of having discharged their Ladings of Plantation Goods in this Kingdom, pursuant to their Securities. And where there shall be reasonable ground of Suspicion, that ye Certificate of having given Security in this Kingdom is false, in such case you or the person appointed under you, shall require and take Sufficient Security for the discharge of the Plantation Lading in this Kingdom; And where there shall be cause to Suspect, that the Certificate of having discharged the lading of Plantation Goods in this Kingdom is false and Counterfeit, you shall not Cancel or Vacate the Security given in the Plantations, until you shall be informed from the Commissrs of Our Customs of England or Scotland respectively, that the matter of the said Certificate is true; And if any person or persons shall Counterfeit, Raze or Falsify

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any such Certificate for any Vessel or Goods, or shall knowingly or wittingly make use thereof, you shall prosecute such person for the forfeiture of the sum of £500 according to a Clause of the aforesd Act for preventing Frauds and regulating Abuses in the Plantation Trade; And pursuant to the said Act, you shall take care, that all such Bonds to be hereafter given or taken in the Plantations, viz^t in Our Province of South Carolina, the Sureties therein named, be persons of known Residence and Ability there, for the Value mentioned in the said Bond, and that the Condition of the said Bonds be within 18 Months after y^e Date thereof (the danger of the Seas excepted) to produce Certificate of having Landed and Discharged the goods therein mentioned, in one of Our Plantations, or in this Our Kingdom otherwise, to attest the Copy of such Bonds under your hand & seal, and to cause prosecution thereof.

6. You are to understand that the payment of the Rates & Duties Imposed by the aforesd Act for the Encouragem^t of the Eastland and Greenland Trades & for the better securing the Plantation Trade on the sev^l Plantation Commod^s therein Enumerated, doth not give Liberty to carry the

sd Goods to any other place than to some of Our Plantations, or to England, Wales or Berwick only; and that notwithstanding the payment of the said Duties, Bond must be given to carry the said Goods to some of the said Plantations or to England, Wales or Berwick, and to no other Place.

4th You shall every three Months or oftener or otherwise, as there shall be opportunity of conveyance to Great Britain transmit to the Commissioners of Our Customs in England or Scotland respectively a list of all Ships & Vessels Trading within Our sd Province according to the form and Specimen hereunto annex'd. And you shall cause demand to be made of every Master at his clearing, of an Invoice of the Contents and Quality of his lading &c. according to ye Form hereunto also Annex'd and to enclose a Copy thereof by some other Ship, or for want of such opportunity, by the same Ship under Cover, Sealed and Directed to the said Commissrs of Our Customs in England or Scotland respectively and send another Copy thereof in like manner to the Collector thereof of that Port within this Kingdom for the time being, to which such Ship shall pretend to be bound.

8.

8. Whereas by the aforesd Act for the Encouragemt of Trade no Commods of the Growth, Production or Manufacture of Europe, except Salt for the Fishery of New England and Newfoundland, Wines of ye Growth of the Maderas or Western Islands or Azores, Servants and Horses from Scotland or Ireland, and all sorts of victuals of the growth and production of Scotland and Ireland shall be imported into any of Our Colonies or Plantations but what shall be bona fide and without fraud laden and shipped in England, Wales or Berwick, and in ships duly qualify'd you shall use your utmost endeavors for the due observance thereof. And if contrary hereunto any Ship or Vessel shall import into Our said Province of South Carolina, any Commodities of the Growth, Production or Manufacture of Europe (but what are before excepted) of whom due proof shall not be made, that the same were Shipd or laden in some Port of this Kingdom by producing Cocquets or Certificates under the Hands and Seals of the Officers of Our Customs in such Port or Place where the same were laden, such ships or Vessel and Goods shall be forfeited: And you

are

are to give in charge that the same be Seized and prosecuted accordingly.

9thly And in order to prevent the Acceptance of forged Cocquets or Certificates (which hath been practised to Our great prejudice) you are to give effectual Orders, that for all such European Goods as by the said Act are to be Shipped and laden in England, Wales or Berwick Cocquets for the same from hence be produced to the Collectors or other Officers of the Customs in Our said Province of South Carolina for the time being, before the unlading thereof, and you shall give Order, that no European Goods be landed, but by Warrant from the said Collector, in the presence of an Officer appointed by him. And for ye better prevention of Frauds of this Kind, you shall take care, that according to the said Act of Trade, no Ship or Vessel be permitted to lade or unlade any Goods or Commodities whatsoever until the Master or Commander thereof shall first have made known to you or such Officer or other person as shall be thereunto Authorized and appointed, the Arrival of the sd Ship or Vessel, with her Name & the name and Sirname of her Master,

and

and hath shewn that She is a Ship duly Navigated & otherwise qualify'd according to Law, & hath deliver'd to you, or such other person as aforesd a true and perfect Inventory of her lading, together with the Place or Places in which the sd Goods were laden and taken into the sd Ship or Vessel, under forfeiture of such ship and Goods.

10thly You shall not make or allow of any Laws, By Laws, Usages or Customs in Our sd Province of South Carolina, which are repugnant to the Laws herein before mention'd or any of them so far as they do relate to Our sd Plantations or any of them or to any other Law hereafter to be made in this Kingdom, so far as such Law shall relate to & mention the said Plantations; but you shall declare all such Laws By-Laws, Usages, or Customs in Our said Province of South Carolina which are anywise repugnant to the forementioned Laws, or any of them, to be illegal Null and Void to all intents & purposes whatsoevr.

11thly You shall be aiding & assisting to the Collector & other Officers appointed, or that shall hereafter be appointed, by ye Commissrs of Our Customs in this Kingdom, by and under the Author-

-ity

-ity & Direction of Our Commissrs of Our Treasury, or Our High Treasr of Great Britain for the time being, in putting in Execution several Acts of Parliamt before mentioned, and you shall cause due prosecution of all such persons, as shall any ways hinder or resist any of the said Officers of Our Customs in the performance of their Duty.

12th You shall take care, that upon any Actions, Suits and Informations that shall be brought Commenced or Entred in Our sd Province of So Carolina upon any Law or Statute concerning Our Duties, or ships or Goods to be forfeited by reason of any unlawful Importations or Exportations, there be not any Jury but of such as are natives of Grt Britain or Ireland, or are Born in any of Our said Plantations.

13th You shall take care that all Places of Trust in the Courts of Laws, or in what relates to the Treasury of Our foresd Province of South Carolina be in ye hands of Our Native Born Subjects of this Kingdom or Ireland, or the Plantations.

14th And that there may be no interruption or delay in matters of prosecution & Execution of Justice in Our Courts of Judicature within

Our

Our s.d Province, by the death or removal of any of Our Officers employ'd therein, until We can be advised thereof, and appoint others to succeed in their places: you shall make choice of persons of known Loyalty, Experience, Dilligence & Fidelity, to be Employ'd for the purposes aforesd until you shall have Our Approbation of them, or the Nomination of others from hence.

15th You shall from time to time correspond with the Commrs of Our Customs in this Kingdom for ye time being, and advise them of all failures, Neglects Frauds and Misdemeanours of any of the Officers of Our Customs in Our said Province of South Carolina; and shall also advise them, as Occasion shall offer, of all Occurrences necessary for their Information relating either to the aforesd Laws of Trade & Navigation, or to Our Revenue of Customs, & other Duties under their Managemt both in Great Britain and the Plantations.

16th Whereas by the aforesd Act for preventing Frauds and Regulating Abuses in the Plantation Trade, 'tis provided, for the more effectual prevention of Frauds which may be used to Elude

ye

ye Intention of ye said act by Colouring Foreign Ships under English names: That no Ship or Vessel shall be deemed or pass as a Ship of the Built of England, Ireland, Wales, Berwick, Guernsey, Jersey or any of Our Plantations in America, so as to be qualify'd to Trade to, from or in any of Our said Plantations, until the person or persons claiming property in such Ship or Vessel, shall Register the same in manner thereby directed: You shall take care that no Foreign Built Ship be permitted to pass as a ship belonging to Our Kingdom of Great Britain or Ireland, until proof be made upon Oath, of one or more of the owners of such ships or Vessel, before the Collector or Comptroller of Our Customs in such port to which She belongs, or upon like proof before yourself, with the principal Officer of Our Revenue residing in Our fores^d Province of South Carolina if such Ship shall belong to the s^d Province, which Oath you and the Officers of Our Customs respectively are Authoriz'd to Administer in manner thereby directed, and being attested by you & them so Administring the same, & Registered in due form, according to ye Specimen hereunto Annex'd,

you

you shall not fail immediately to transmit a Duplicate thereof to the Commissrs of Our Customs in London in order to be entred in a general Register to be there kept for that purpose, with penalty upon every Ship or Vessel trading to, from or in any of Our said Plantations in America and not having made proof of her Built and Property, as by the forementioned Act is directed, that she shall be lyable to such prosecution & forfeiture as any foreign Ship (except Prizes condemn'd in Our High Court of Admiralty) wou'd for Trading with Our Plantations by the sd Law be lyable unto; with this Proviso, that all such Ships as have been, or shall be taken at Sea by Letters of Mart or Reprizal and Condemnation thereof made in Our High Court of Admiralty as Lawful Prize, shall be specially Registred, mentioning the Capture & Condemnation instead of the time and Place of Building with proof also, upon Oath, that the intire property is British, before any such Prize be allow'd the Priviledge of a British Built ship; according to the meaning of the sd Act. And that no Ship's Name Registring such ship de novo, which

which by the sd Act is required to be done upon any transfer of Property to another Port, and delivering up the former Certificate, to be cancelled under the same penalties, and in like Method: and in case of any Alteration of Property in the same Port by the sale of one or more shares in any Ship after Registering thereof, such sale shall always be acknowledged by Endorsmt on the Certificate of the Register before two Witnesses, in order to prove, that ye entire property in such Ship remains to some of Our Subjects of Great Britain if any dispute shall arise concerning the same.

17. Whereas by an Act passed in the 10th year of King William the 3d to prevent the Exportation of Woole out of the Kingdoms of Ireland and England into Foreign parts, and for the Encouragemt of the Woollen Manufactures in the Kingdom of England, it is amongst other things thereby Enacted, that, no Woole, Woollfelt, Shorthings, Morthings, Wool-flocks, Worsted, Bay or Woollen yarn, Cloth, Serge, Bays, Kerseys, Says, Frizes, Drugts Cloth-serges, Shalloons or any other Drapery, Stuffs or Woollen Manufactures whatsoever made or

or mixt with Woolle or Wool-flockes, being of the product or Manufacture of any of the English Plantations in America, shall be laden or laid on Board in any Ship or Vessel in any Place or Ports within any of the said English Plantations, upon any pretence whatsoever, as also that no such Woolle or other the sd Commodities being of the product or Manufacture of any of the said English Plantation shall be loaden upon any Horse, Cart or other Carriage, to the intent & purpose to be Exported, Transported, Carried or Conveyed, out of the said English Plantations, to any Other of Our said Plantations, or to any other place whatsoever, upon the same and like pains, penalties & Forfeitures to & upon all the Offender & Offenders therein, within all and every of Our sd English Plantas respectively, as are provided & prescribed by the sd Act for the like Offences committed within Our Kingdom of Ireland; You are to take effectual care, that the true intent and meaning thereof, so far forth as it relates to you, be duly put in Execution.

18. Whereas an Act of Parliamt was passed in the

the 3d and 4th years of the Reign of her late Majesty Qu: Ann Entituled, An Act to permit the Exportation of Irish Cloth to the Plantations & to prohibit the Importation of Scotch Linnen into Ireland, which being Expired was Revived and is now in force with several Clauses & Provisoes be duly observ'd and comply'd with, in that Our Province under your Government.

19. In an Act of Parliament made in the 10th and 11th years of King William the third Entituled An Act for laying further Duties upon Sweets, and for lessening the Duties as well upon Vinegar, as upon certain Low Wines and Whale Fins, and the Duties upon Brandy Imported &c: there is a Clause (Copy whereof you shall herewith) receive) to prevent Frauds in the Importation of Bulk Tobacco Enacting that no Tobacco shall be brought or Imported into this Kingdom of England Domin: of Wales, or Town of Berwicke upon Tweed, in any Ship or Vessel from any of the Plantations on the Continent of America, nor shipped in any of the sd Plantations in Order to be so imported, otherwise than in Caske, Chest or Case only, each Caske, Chest or Case whereof shall contain

contain 200 pound weight of Tobacco at ye least and each hundred thereof shall contain 112 pound, under the penalties & Forfeitures, that all the Tobacco so imported or ship'd to be Imported contrary to the said Act, shall be Forfeited, and every person or persons offending contrary to the true intent and meaning thereof shall forfeit Sixpence for every pound weigt thereof two thirds thereof to Us Our Heirs and Successors, and the other third part thereof, to such persons as shall Seize and Sue for the same it being Provided, that such small Quantities as shall be necessary for the Ship's Companies Smoaking in the Voyage shall not be deemid, or construed any Breach of the said act; you shall take care that this part of the said Act be made publick, that none may pretend Ignorance, and that the true Intent and meaning thereof be duly put in Execution within your Goverament.

20 An Act of Parliamt having been passed in the 3rd and 4th years of her late Majesty's Reign Entitled An Act for granting to Her Majesty a further Subsidy on Wines & Merchandizes Imported wherein among others there is a Clause

in

in the words following viz^{t} "And whereas by the
"Acts made in the 12th and 25th years of His late
"Majesty King Charles the 2^{d} the former Entd An
"Act for encouraging and encreasing of Shipping
"and Navigation and the latter Entituled, An
"Act for the Encouragement of the Greenland and
"Eastland Trades, and for the better securing y^{e}
"Plantation Trade, certain commodities therein
"Enumerated of the Growth, Production and Manu-
"facture of any of y^{e} English Plantations in
"America, Asia or Africa are obliged to be Imported
"into this Kingdom of England, Dominion of Wales,
"and Town of Berwick upon Tweed, or to some
"other of the s^{d} Plantations under the Securities
"and Penalties in the said Acts particularly
"mentioned to the end this Kingdom might be made
"a Staple not only of the Commodities of those Plan-
"tations but also of the Commodities of other Countries
"for supplying them; since the making of which
"Laws several Commodities w^{ch} are not in the
"s^{d} Acts particularly Enumerated such as Rice
"& Molasses, are produced and made in the said
"Plantations and carried to divers Foreign Markets
"in Europe without being first brought into this
Kingdom

"Kingdom, Dominion of Wales and Town of Berwick "upon Tweed, contrary to the true intent and mean "ing of the aforesd Laws to the great prejudice "of the Trade of this Kingdom; and the lessening "ye Correspondence, and relation between this "Kingdom and the aforesd Plantations, for the "prevention whereof for the future. Be it Enacted "by the Authority aforesd that from and after the "29. Sep: 1705, all Rice and Molasses shall be under "ye like securities and penalties restrained to "be Imported into this Kingdom, Dominion of Wales, "& Town of Berwick aforesd as by the forerecited "Acts, or either of them is provided for the Goods "therein particularly Enumerated" You are there-fore to take particular care, and give the necessary directions that the true intent & mean-ing of the sd Clause be strictly & duly complyd with.

21. And whereas you will herewith receive Copies of the following Acts of Parliament viz^{t}. An Act for the Encouraging the Importation of Naval Stores from Her Majesty's Plantations in America, passed in the 3d and 4th years of the Reign of her late Majesty which being expired was revived and

and is now in force, And the Act for continuing several Impositions and Duties upon Goods Imported &c and to limit a time for prosecution on all Plantation Bonds &c passed in the 8th year of the sd Queen's Reign; you are therefore to use your best Endeavours, that the sd Acts, with all the Clauses, matters and things therein contain'd be in like manner Strictly and duly observ'd according to the true intent and meaning thereof.

22. And whereas by some of the foregoing Articles grounded on severl Acts of Parliament passed in England before the Union of the two Kingdoms of England and Scotland the Subjects of Scotland were excluded ye Benefit of the said Acts. Yet by the Act for ye Union of the two Kingdoms passed in the 5th year of her late Majesty's Reign (a Copy whereof you will herewith receive) they are to enjoy all the priviledges and Advantages in Trading to Our Plantations as well as in other respects which Our Subjects of England did or might enjoy, as is particularly Specify'd by the 4th 5th and 6th Articles of that Act, you are to take care that the sd Act be duly comply'd with, and that the Subjects of Scotland

be

be allow'd all the Benefits and Advantages design'd them by it, Notwithstanding anything to the contrary in these or any other Instructions to you.

23d If you shall discover that any persons or their Assigns Claiming any Right or property in any Island or Tract of Land in America by Charter or by Letters Patents, shall at any time hereafter Alien sell or dispose of such Island, Tract of Land, or Propriety, other than to Our Natural Born Subjects of Great Britain, without the Licence and consent of Us, Our Heirs and Successors, Signify'd by Our or Their Order in Council first had and obtain'd, you shall give notice thereof unto Us, and to Our Commissioners of Our Treasury or Our High Treasurer of Great Britain for the time being.

24 And whereas notwithstanding the many good Laws made from time to time for preventing of Frauds in the Plantation Trade, which have been Enumerated in these and former Instructions, it is manifest that very great Abuses have been and continue still to be practised to the prejudice of the same, which abuses must needs arise either from the insolvency of the persons who are accepted for

Security

Security, or from the remissness or connivance of such as have been or are Governors in the Several Plantations who ought to take care, that those persons who give Bond should be duly Prosecuted in case of non-performance. You are to take notice that We take the Good of Our Plantations and the Improvement of the Trade thereof by a strict & punctual Observance of the several Laws in force concerning the same, to be of so great Importance to the Benefit of this Kingdom, and to ye advancing the Duty of Our Customs here, that if We shall be hereafter inform'd, that at any time there shall be any failure in the due observance of those Laws & of these present Instructions by any wilful fault or Neglect on your part, We shall looke upon it as a breach of the trust reposed in you by us, which We will punish with the loss of your place in that Governmt and such further markes of Our Displeasure as We shall judge reasonable to be inflicted upon you for your Offence against Us in a matter of this Consequence, that We now so particularly charge you with.

B. P. R. O. So. Carolina B. T. Vol. 1. A. 20.

At the Councill Chamb.r Whitehall the 2d day of 8ptember 1720

Present

Their Excell.cys the Lords Justices in Councill

Upon reading this day at the Board a Report from the Lords Commiss.rs of Trade and Plantations proposing amongst other matters, that a commission for trying pirates in y.e Province of Carolina may be issued. Their Excellencys in Councill, taking the same into consideration, were thereupon pleas'd to Order, that Charles Delafaye Esq.r Secretary to the Lords Justices, doe forthwith prepare a Warr.t for their Ex.cys signature for y.e passing a Com.n under the Great Seal of Great Britain for y.e trying pirates in South Carolina, in like manner as was past for his Majestys other Plantacons in America, according to an Ord.r of this Board of y.e 30th January 1717

A true copy
Edward Southwell

[Endorsed]

Recd Jan.y 11th } 1720
Read Do: } 21

B. P. R.O. So. Carolina B. T. Vol. 1. A. 19.

At the Council Chamber Whitehall the 13th day of Septemb. 1720

Present

Their Excellencys the Lords Justices in Council

It is this day ordered by their Excellencys the Lords Justices in Council, that the draft of a Commission and Instructions, prepared by the Lords Commissioners of Trade and Plantations, for the Governour of Carolina, &c. and they are hereby referred to His Majesty's Attorny and Solicitor Generall to consider the same, and report their opinion thereon, at the meeting of their Excellencys in Council on Thursday next at 12 at noon.

A true copy.

Edward Southwell.

[Endorsed]

Rec'd Janr 11th
Read Do } 17 20/21

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 11.

September 15th 1720.

Charles D'Lafay Esqr

Honble Sir,

I desire that you please to lay ye enclosed papers &c. before their Excellcys the Lords Justices that they will please to give such directions therein as they shall think proper.

The accot of the necessarys as likewise the envoyce about the Indian Trade and Presents as likewise instructions for Comandr of the independt company &c. I had from Colle Barnwell and I hope he may be dispatched to goe wth us.

Mr Arnold will give you a memorall concerning ye company &c. which I likewise desire you to lay before their Excellcys for their directions therein.

In doing of these things you will continue to oblige him who is

Yor most affectionate friend
and faithfull humble servt
Fr: Nicholson

Mem Lo

Memd^m The Papers inclosed are

2^d Instructions for y^e Comander of y^e Independ^t Company design'd to erect a garrison.

3 An accot of necessaries to be provided for the use of y^e 100 men now bound to S. Carolina.

1^st L^r from Coll^o Barnwell w^th Instruc^ns above

4 Presents for y^e Indians

5 Three Papers of memoranda

[Endorsed]

Rec^d w^th M^r Delafaye's
L^r of 15^th Sept^r 1720.
vide Nova Scotia.

Rec^d
Read } 16^th Septem^r 1720.

B. P. R. O. So. Carolina. B. T. Vol. 1 A. 11

[Enclosure]

7br 8o 1720

May it please yor Excellency.

Inclosed yr Excellency will find some instructions wch may be thought proper for the Comandr of the men designed to secure the possession of St George at ye Alatamaha river.

It is often inconvenient to conclude on very positive instructions, since one cannot be truly informd or foresee the condition &c circumstances, such Comander may be reduced to, at so great a distance, therefore many things must be left to the discretion of the Comander, or be left to observe such orders as the Governr of Carolina shall think convenient

As those that undertakes the setling of these remote garrisons must expect difficultys att first, therefore it will be requisitt to choose for this design young robust men, that are able to undergo fatigue, &c if possible such men as have been abroad on former expeditions.

For the farther encouragmt of the officers &c soldiers that goes to these garrisons it would be proper to have a good tract of land layd out for

their

their use for ever adjacent to the garrisons.

As those lands at pr̃sent are of little or noe value, upon the erecting of these garrisons they will prodigiously rise, & the severall Proprietors pr̃tending to them by Charters will soe enhance them that the officers & soldiers who can scarce spare any thing out of their pay, will be left att their mercy w^ch^ out timely care is taken to regulate this matter.

All w^ch^ is most humbly submitted to y^r^ Lordsps better judgmt by

Yo^r^ Excellencys most obedient Servt

Jn^o^ Barnwell

Lord President

B. P. R. O. So. Carolina B. T. Vol. 1. A. 11.

[Enclosure]

Instructions for the Comander of the Independent Company design'd to be sent a garrison att the mouth of the river St George als Alatamaha in South Carolina

1st You are by the first transports to goe to South Carolina, and when you are arrived on that coast touch att the Barr of Charlestown that you may be informed of the state of the country & having taken in a Pilote you are to proceed to Port Royall and att the p[re]sent garrison there you are to land all yo[r] men, provisions & other necessarys, & having soe done you are to discharg y[e] transports.

2[nd]ly Upon yo[r] arrivall att Port Royall you are to leave the weakest & sickliest of y[r] men in that garrison, and in their room take w[th] you the comanding officer there and his men w[th] the scouts boats, periago's & other water craft w[th] all such provisions & necessarys proper to begin y[r] Settlem[t] on the mouth of the s[d] river St George, to w[ch] place they will Pilote you, and the s[d] comanding officer w[th] his men are to stay & assist you, as being better enured to those sort of works

1 &

& acquainted wth the manner of that countrey.

3dly You are carefully to view the mouth of the said river, and if you are apprehensive of being disturbed by the Indians living abt St Augustine consult wth the most intelligent persons upon the place whether it may not be convenient to make your garrison on the Island known by the name of St Symon, all ye mouth of the sd river, than on the main land.

4thly You are from time to time to send an acct of all yor transactions to the Governr of Carolina who is instructed to furnish you wth all such provision & other necessarys that shall be wanting.

5thly You are alsoe to send to the Capt of the Hamborough man of war, or to ye Capts of such frigates as shall be stationed for Carolina for such assistance as they are able to give ye And they shall be instructed to afford the same & to call att ye garrison when they are a cruizing

6thly You are as soon as you can conveniently sound the Barrs or entrances of the sd river & diligently observe the same together wch ye land marks that directs the coming in, wch

you

you are to transmitt to the Govern.r of Carolina.

7.thly You are not to suffer any other nation to take possession of any part of y.e s.d river, or of the sea coasts from Port Royall to S.t Augustine, & you are to resist by force any attempt y.t shall be made by any of them to disturb y.r possession.

8.thly You are to treat civily all the native Indians that shall report to yo.r garrison either to trade or hunt, useing all the same time precaution not to be treacherously surprized by them.

9.thly You are to grant a peace to y.e remainder of the Yamassees att S.t Augustine & use yo.r endeavour to gain as many Indians as you can from the dependance of either the French or Spaniards.

10.thly You are to observe & follow all such further orders & instructions as you shall receive from time to time from the Govern.r or Com̃ander in Chief of South Carolina to whom you are to apply yrself upon all emergencys whatsoever.

B. P. R. O. So. Carolina. B. T. Vol. 1 a. 11.

[Enclosure]

An acct of severall things proper for Govern.r Nicholson to carry w.th him in order to make Presents to the head men of the Indians in Carolina.

Six pieces of broad cloath of ab.t 10.s or 12.s & y.t value, of black, blew, red & other colours.

Sufficient linings & other trimings for to make them up into cloaths.

2 doz.n laced hatts of ab.t 12.s valine each.

2 doz.n course stockins of ab.t 3 or 4.s & pair.

2 doz.n pair of shoes w.th brass buckles

2 doz.n course neckcloaths of kenting or such like.

2 doz.n shirts of garlix.

2 pieces of stronds 1 blew y.t other red to be cut into flaps, matchcoats, & stockens.

2 doz.n fuzees of 20.s value each w.th a few ordinary cutlasses & belts, 1 barl of fine powd.r & 100.th lead in barrs.

2 or three pieces course callico or painted flanell or callamanco.

2 dozen strings of beads for necklaces.

Severall toys at discretion & some vermillion & small

small looking glasses.

2 dozn prints of his Majesty & yt Royall Family in small guilt frames.

Prints of his Majesties arms- a few new guineas, half guineas, crowns, half crowns & shillings to be stoung on red ribons & wore by yt chiefs.

Fr: Nicholson

Joseph Boone

Jno Barnwell.

B. P. R. O. So. Carolina B. T. Vol. 1 A. 11.

[Enclosure]

Invoyce of a cargo of Indian trading goods of abt one thousand pounds ster value, and must be sorted in proportion for a greater or less value.

110 Pieces of double striped blew strouds.
20 Pieces Ditto red.
30 Pieces of stripped duffils each 7 15 blanketts.
20 Pieces of blew D.
10 Pieces of red D.
100 Indian trading guns
10000 flints
30 barills of powder
30 C. ball.
100 pieces of white oxenbriggs
60 lb vermillion
8 grose bowdy caddaes.
20 p. herseys.
100 lb of beads.
1000 lb of brass kittles
5 doz. 2 hatts.
12 doz. white tensy lace.
12 doz. yellow tensy lace.
24 doz. copper buttons
20 doz. small looking glasses
6 doz. of brown, red & blew thread.
4 thousand needles vary size.
40 grose tobacco pipes.
10 doz. broad howes.
10 doz. small Indian hatchetts
12 p. of pistolls
2 Barills of cutlary ware abt 20 lb value.
10 doz. symeters.
10 doz. hunting necloaths.
10 doz. small screw boxes.

The

The usuall pⁿsents made to the head men of the Indians are compleat suits of cloaths from head to foot.

They value black trim'd wᵗʰ white.

Red trim'd wᵗʰ tenny.

Blew trim'd wᵗʰ tenny.

Their attendants have shirts, flapps & stroud matchoats.

The women either course callico gowns and petticoats, or striped flannell wᵗʰ smoaks &c.

Some time they pⁿsent ye warriors wᵗʰ a better gun & cutlass then ordenary they are not easily contented if by importunity they find they can gett more, soe it must be left to discretion.

Their trade consists in buck skins & a few furrs.

B. P. R. O. So. Carolina B. T. Vol. 1. A. 11.

[Enclosure]

Septembr 10th 1720.

An Accot of necessarys to be provided for ye use of ye 100 men now bound to South Carolina.

A skillfull Surgeon with a chest of medicines.	1 doz. whipp saws.
A gunsmith with his forge.	2 doz. hand saws.
A cooper with 6 setts of coopers tools.	2 doz. broad axes.
A bricklayer and brickmaker with 6 setts of tools.	6 steel hand mills.
A house carpenter with 6 setts of tools.	6 grind stones.
10 barrells of nails of all sizes.	6 graplins for boats from 50lb to 70lb each.
6 Cwt of iron spikes.	2 doz. hamers of different sizes.
10 doz. broad hows.	2 doz. setts and files for saws.
10 doz. falling axes.	1 doz. setts of wedges 4/6 mall rings.
6 doz. grubbing hows or small pickaxes.	100 fathom of 2 inch cordage for ye boats.
6 doz. small hatchets.	600 ells of thin canvas for sails.
6 doz. spades and shovells.	6 doz. of deep sea lines.
1 doz. cross cutt saws	2 doz. iron potts of different sizes.

2

2 dozn brass kettles of different sizes.
1 dozn spits
1 dozn gridirons } and other kitchen furniture.
6 dozn cans besides bowls platters trenchers plate &c.
2 dozn pails and water cask.
2 dozn fowling pieces.
20 barrls of small shott of different sizes.
2 Seins.
12 casting netts.
1000 fishing hooks of different sizes.
6 dozn fishing lines of various sizes
2 dozn harpoons & fish gigs.
100lb of twine to mend the netts
1000 ells Ozenbriggs for summr clothing.
100lb ozenbriggs thread.
200 pair of shoes.
1000 ells of speckled shirting linen & 100lb of thread for it.
200 pair of stockins.

As for arms the magazine at Charles Town has 2000 small in very good order neither slung nor bayonetts but they had not 100lb of musquett ball which is very much wanted and they wanted large flints.

Charles Town wants 40 large cannon and ball proportionable to them viz.
10 pces of 32lb ball
10 pces of 24 ball
20 pces of 18 ball.

If Charles Town was furnished then their present small guns may serve the other Frontier Forts.

When I came away they had about 170 barrls of powder in yt magazine you may judge whither it is sufficient.

They

They have a bomb and 110 shells of about 1 hundred wt.

They have 20 cohorn mortars and 1800 granadoes for them.

They have about a doz.n harquebusses and a doz.n large blunderbusses.

I putt these things down that you might know whither they are sufficient stores and if there is occasion I am ready to wait on those that shall be appointed to procure the things and advise them in the choise of them.

Jn.o Barnwell.

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 11.

[Enclosure]

Memorand.m

The Indian Trade of Virginia and Carolina used to be very much controverted, and each country complained against the other, the former that without their knowledge the latter came into their parts and trafficked with their Indians, and sometimes with those with whom they had war, furnishing them with ammunition &c.a and the latter against them for the same practice, which some time or other may be of fatal consequence to both, and not only to them, but others to the Northward, &s especially upon the French making such settlements on the Mississipi river &s on the heads of rivers runing from their borders, which if they accomplish, they will get their Indian Trade from them both by inveagling the Indians into the French interest, whereby the French &s their Indians will have it in their power, humanly speaking, to cutt off all the Frontier Plantations and very much annoy the others, except those towards the sea, for at present all the Frontiers are very defenceless without towns or fortifications.

Therefore

Therefore 'tis most humbly proposed, that if his Majesty sends a Governor to Carolina he may have a meeting with the Governor of Virginia in his way thither in order to propose expedients for settling this affair both with respect to Trade and security of the Frontiers, and that it may be recommended to the Assemblys of both to propose Laws to be passed by his Majesty concerning the same, and that the Indians may be acquainted, that as Carolina is now under his Majestie's immediate Government as well as Virginia and both to be looked upon as one people both in peace & war, so they are to be aiding and assisting each other in either State, for as it hath been managed by those countrys, the Indians looked upon them as not under the same Government, and 'tis very probable the French both have and will make use of it to incourage the Indians against one of them, and to submit to the French in respect to Government and Trade.

After the affair of Virginia is done that the said Governor meet the Governor of Providence to settle a good correspondence between them in order to be a strengthening to each other in

peace

peace or war and to be done by their assemblys as proposed about Virginia and Carolina.

At this time the Government of Virginia are in a better state than they have been and more capable to make any fortifications than they have been and to doe what His Majesty may think most convenient for the publick safety.

That if the proposal be agreed to for securing the Frontiers of Virginia and Carolina an order be sent to the Governor of the former to communicate to the Assembly (supposed to meet this fall) that such a thing is designed and to recommend to them not to dispose of the money they have in bank till His Majestie's pleasure shall be further known.

It is supposed they have about ten thousand pounds sterling raised by duties on negroes, liquors &c. which if disposed of it may be very difficult, if possible to raise such another sum and much doubted whether the Assembly would be willing to continue the said duty.

One chief reason for the late differences between the Governor and Assembly is supposed

to

to have been the manner of disposing of the said money. The Governor in one of His speeches with the catalogue of his journies and services seems to insinuate that he expected about half that money, the sum of the miles travelled being drawn out to about five thousand and 'tis not improbable that with the next Assembly he has, there may be ways and means used for dividing the most part, if not all among themselves, and not make use of it for defence of the Frontiers or any other publick service.

[Endorsed]

No. 3.

B. P. R. O. So. Carolina. B. T. Vol. 1. A 11.

[Enclosure]

Memorandum.

It is humbly propos'd that where the Forts shall be built, either in Nova Scotia, Virginia, Carolina, or the Bahamas Islands that the land adjacent thereto be appropriated for the use of the garison both in respect to the officers soldiers &c. each officer according to their quality to have such a quantity as shall be thought convenient for a garden and orchard plat; every mess of soldiers whether six or four to have some allotted them for the same purpose, and besides which, that there be so much more land laid out as to make one or more common pastures or fields as may keep cattle horses, sheep and hogs, and to raise Indian corn which is the principal grain both for men cattle &c. wheat, rice, pease, oats &c. with good management both of the officers and soldiers they may in a few years raise fresh provisions &c. to serve them and their familys, with which and their pay they may live comfortably and pleasantly, and it may be a great incouragement for them to live there and defend the place.

Without

Without this land may be allotted so many hundred acres as may be an encouragement to make a settlement both for Traders and Planters, for which they are to pay no quit rents but instead thereof to hold it of the Fort &c. and they are to assist in defending the Fort when it shall be attackt &c. in order to which they shall be obliged to have such arms &c. as shall be allotted them either as dragoons or foot, and to be exercis'd at least once a month by proper officers appointed thereto, either of the standing forces or their own. This tenure and method 'tis hoped may be a means to bring people to settle there, and their own interest as well as the publicks will oblige them to perform the several conditions. All which is most humbly submitted.

If holding y^e Fort be thought proper ascertain y^e service & make y^e rent if any certain then y^e Governor may not raise in or oppress y^e tenants.

[Endorsed]

N^o. 1.

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 11.

[Enclosure]

Memorand.m

If Forts are to be built y.t where.

There will be wanting an engin.r with proper officers instrum.ts stores and materialls which the Board of Ordnance will direct y.e engin.r.

If Gov.rs of the said Forts query their comissons & sallarys.

Orders about lands for the garrisons according to the proposall N.o (1).

Orders about the Indian Trade and Indian presents without which there will be no treating with them and that there be missionarys sent amongst them by w.ch means the French use to gain and keep them.

That among the p.sents for the Indians there be some prints of his Ma.ty and y.e Royall Family his Ma.tys arms; some new guineas half guineas crowns halfcrowns and shillings for the chiefs to wear on redd ribbons & other things as N.o (2).

The King's picture at length and his Ma.tys arms large for publick buildings with plate

and

and other furniture for his Mat^{ys} chappell but not as to allong to any particular Government.

That a Chaplain be appointed.

Proper orders to the Gov^{rs} of Virginia & y^{e} Bahama Islands according to the propostion N^{o}(3) and that they have instructions to give all possible assistance upon any occasion.

A friggott of y^{e} same rate as that attending Virginia be ordered.

A comicon for trying of Pyrates.

Query if to provide for any forces to come after.

B. P. R. O. So. Carolina B. T. Vol. 1. A. 11.

[Enclosure]

An accot of stores sent to South Carolina.

Saxphance Musquetts	1000	
Pistolls	300 p.r	in 40 chests.
Cartouch boxes	1000	
x Musqt shott	32 Cwt	in 32 barrells
x Pistoll Do	7 Cwt	in 7 barrells
Corn powder	200 barrells	
x Musqt flints	11000	
Pistoll Do	6000	
Tin measures for Cohorn mortars	24	in a ½ powd.r barll
Sponges for Do	24	
Blunderbusses	12	in a chest
Harquebusses	12	in a chest
Iron shott of 2 Os	600	
Cohorn shells fixt	2000	in 68 boxes
Brass Cohorn mortars	10	
Iron Do	10	
Meal powder	1 barrll	
Small pruning irons	30	
Spare Fuzes fixt	50	In a chest.
Port fires	150	with
Salting boxes	2	Share padlock

match

match 1
Powder horns 2

Those marked with x are wanting ye rest are in the magazine at Charles Town except 150 stand of arms in the out garrisons they being reviewed in Jany 17[19/20] by John Barnwell appointed one of the Comittee for examining of ye accots of the Keeper of ye magazeen by the Assembly in Carolina As witness my hand this 10th of 7br 1720.

Jno Barnwell.

B. P. R. O. So. Carolina B. T. Vol. 1. A. 21.

At the Council Chamb.r White hall the 20th day of Septem.br 1720

Present

Their Excell.cys the Lords Justices in Council.

Upon reading this day at the Board two Representations from the Lords Comm.rs of Trade and Plantations with the draft of a commission for Francis Nicholson Esq.r to be Capt. Genll & Governour in Chief in & over the Province of South Carolina and likewise two drafts of Instructions relating to the Government of the s.d Province, And to the Acts of Trade & Navigation, which drafts were referr'd by Order of the 13th instant to his Majesty's Attorny and Solicitor Genll who this day made their Report thereon & humbly offered a new draft of a Commission, As also several amendments to the Instructions relating to y.e Governm.t of the s.d Province, & are as follows viz.t

N.o 1. line 7. after [shall] Dele [your selfe take and also]
line 17. after [also] Dele [make & subscribe and]
line 23. after [and] Dele [You and]
line 25. after [of] Dele [Your and] Insert [their offices]
line 27. Dele [and you are also &c.] to the end of the Paragraph.

N.o 2. line 8. Dele [as it is already established]
line 9. Dele [present]

N.o 3. line 11. after [being] insert [As far as by Law he may]

pag

pag. penult. } Dele [Whereas his Majesty has thought]
line 5 from the bottom } - Insert [If his Majesty shall judge]
line 3 from the bottom. Dele [to be his] Insert [a]

Their Excell^{cys} the Lords Justices in Council taking the same into consideracon are pleased to approve of the said drafts, which are herewnto annexed; And to order, as it is hereby ordered that Charles Delafaye Esq^{r} Secretary to the Lords Justices, do prepare a warrant for their Excellencys signature, for passing the said draught of a Commission under the Great Seal of Great Britain. As also to prepare the s^{d} two drafts of Instructions with the s^{d} Amend-ments for their Excellencys signature.

A true copy
Edward Southwell

[Endorsed]

Recd 2 Jan^{y} 11th.
Read Do. } 17$\frac{20}{21}$

B.P.R.O. So. Carolina B.T. Vol. 1. A. 22.

At the Council Chamb: Whitehall the 20 day of September 1720

Present

Their Excell^{cys} the Lords Justices in Council

Whereas the Lords Commiss^{rs} of Trade & Plantations having by a Representation this day read at the board, setforth that there is occasion for seals for the Province of Carolina, and a draught of such seals having been laid before their Ex^{cys} Which on the one side are to bear His Majesty's Arms, Garter Crown, Supporters and Motto, with this Inscription round it, Georgius Dei Gratia Magnæ Britanniæ, Franciæ et Hiberniæ Rex, fidei defensor, Brunsvici et Luneburgi Dux, Sacri Romani Imperii Archi-Thesaurarius et Elector, and on the other side His Majesty's effigies and a woman crowned with a mural crown, kneeling before him, with this motto at the bottom, Propius res adspice Nostras, and round it this Inscription, Sigillum plagæ australis provinciæ nostræ Carolinæ: Their Excell^{cys} in Council taking the same into consideration, were pleased to approve of y^{e} said draft, which is hereunto annex'd, as also of y^{e} said impression & motto, and to Order, as it is hereby order'd, that Charles Delafaye Esq^{r} Secret^{y} to the Lords Justices, do

prepare

prepare a Warrant for their Excellcys signature,
to the Engraver of His Majestys Seals to prepare
the same, as likewise another Warrant to author-
izing the Governour of his majesty's Province
of South Carolina for the time being, to use
the said Seale. And Their Excellcys in Councill
are further pleased to Order that in case ye said
Seale cannot be got ready, so soon as there
will be occasion to make use thereof that im-
pressions in lead be made of that side only,
on which are His Majesty's Arms and Titles,
to be used by the said Governour till the other
can be made, and that proper warrts be like-
wise prepar'd for ye authorizing ye making &
using ye same accordingly.

A true copy
Edward Southwell.

[Endorsed]

Rec'd Janu. 11th.
Read Do. } 17 20/21

B. P. R. O. South Carolina B. T. vol 25. p. 124.

(23rd Sept. 1720.)

To their Excell.s the Ld.s Justices.

May it please your Excellencies.

In Obedience to Your Excellenc.s Commands Signify'd to us by Mr. De la faye in his letter of the 15th instant, We have considered the several Papers therein transmitted to Us relating to the Fort proposed to be Erected at or near the Mouth of the River Alata-maha in South Carolina, and to some other matters concerning the Governm.t of the said Province in general, whereupon We take leave to represent to your Excellencies.

That in Our Opinion it is highly necessary no time should be lost in Erecting the sd. Fort wch according to the best Information We can get would be much better placed upon the Continent on the North Banks of the sd. River, than in the Isld. of St. Simon, the sd. Isld. lying at too great a distance from the Shoar to Comand the entrance of the sd. River, tho' it may likewise be very necessary whenever his Majesty shall think fit to send a larger Force to Carolina to take possession of the sd. Island and ereet a Fort or Forts in proper places there also.

We

We do likewise agree, that it may be very convenient for his Majesty's Service that a certain Extent of ground adjoining to the place where the new Fort shall be erected, should be marked out, and set apart in equal lots not exceeding half an Acre in each Lot nor 100 Acres in the whole to build a Town upon in time to come in case this Settlemt should prosper, as 'tis hoped it will; And further that a reservation should likewise be made of 600 Acres circumjacent to the sd projected Town for common of Pasturage for the Inhabitants of the said Town when Built.

And as nothing can so Effectually conduce to the Settlemt of this Frontier as the giving proper Encouragemt to such persons as shall be disposed to Inhabit the new projected Town, it will be further necessary, that a very large Tract of Land should be set apart to be granted in Separate parcels not exceeding 200 Acres to any one person who shall be an Inhabitant of the sd Town, the sd Lands to be held of His Majesty by ye Tenure of Castle Guard, and the particular Services to be performd to be Specify'd in the respective Grants.

But We are of Opinion, that it may be very

difficult

difficult if not impossible to execute this Important design without the assistance of a small Frigate to remain in the River as a Guard Ship till ye new intended Fort shall be in a Sufficient posture of Defence, and therefore We do earnestly recommend this particular to your Excellencies consideration. But if His Majesty's Affairs will not admit of the sending a Small Man of War expressly on this Service, We humbly propose that the Govr be impower'd & have directions to hire a Sloop or Brigantine for this purpose upon his arrival in Carolina.

Amongst the papers referred to us, there is one Entituled An account of necessaries for 100 men now bound to South Carolina, which We have perus'd and altho there may be some particulars therein that might possibly be spared, yet considering that this is calculated for the making of a new Settlement and recommended by Col Barnwell who seems to be a very intelligent person in these matters so far as the sd necessaries do relate to the sd new Settlement only, exclusive of the Articles relating to Charles Town, which may be considered on another occasion; We conceive it may be for His Majesty's Service that

that the same should be forthwith provided, And We would Submit to your Excellencies, whether Orders should not be given to ye Board of Ordnance for that purpose. But We presume that such part of these Stores as shall be deliver'd to ye Men for their own wearing apparel will be deducted as hath been usual out of their off reckonings.

We have likewise considered the several Articles contained in another paper Entituled Instructions for the Commander of the Independant Company designed to Erect a Garrison at the Mouth of the River St George Alatamaha, But having discourred with Col. Nicholson & finding that he designs to execute this important service himself in person We believe the method of doing it may be left to his Direction and so much the rather because as he is Govr in Chief of Carolina he will have full powers in any part of that Province to give such orders as he shall think may most conduce to his Majesty's Service in this particular: And when the said Fort shall be erected he will leave such Instructions in writing with the Officer commanding in chief there in his absence as may be necessary; But We shall give Genl Nicholson a Copy of the sd Paper of Instructions

tions which may be of use to him in the Execution of this Design.

We presume the Board of Ordnance have already your Excellcs Orders for providing great Guns with Carriages, Stores and Ammunition of all kinds necessary for the making of this Settlement. And We would likewise recommend to your Excellencies to give Orders for sending an Able Ingineer upon this Expedition as is proposed by Genl Nicholson together with a proportionable Number of Gunners and Matrosses.

As the most material Informations which We have had upon this Subject have come from Col: Barnwell, who hes long been an Inhabitant of Carolina where he has pass'd thro all the publick Offices except that of Governor. And in as much as the sd Col: Barnwell at the request of Genl Nicholson is willing to accompany the sd General upon this Expedition, We should humbly conceive it might be for His Majesty's Service that General Nicholson should be directed after the new intended Fort shall be built to put the same together with yr Garrison thereof under the care and Governmt of the sd Col Barnwell

whose

whose knowledge of the Country & Experience in matters of this Nature will highly conduce to the promoting a Settlement on this Frontier.

In the meanwhile We do agree with Genl Nicholson, that it may be very necessary to take the proper measures for promoting Settling and inlarging the Indian Trade, and that the Governors of Carolina & Virginia should be instructed to confer upon this Subject, and to settle matters upon such a foot, that neither of these Colonies should have reason to complain of the other.

It will likewise be for His Majestys Service that the Govr of the Bahama Islands for the time being should keep a constant correspondence with the Govr of Carolina, that they may be aiding and assisting to each other as occasion may require.

We are of Opinion that it may be necessary upon this Occasion to distribute some presents among the Indians to gain their Friendship to this new Settlement, & if your Excellencies shall think fit to give your Directions to the Lords of the Treasury for that purpose General Nicholson & Col. Barnwell may attend their Lordps with a list of particulars presented to Us to which We have no Objection. All which is most humbly submitted

Whitehall
Sept. 23d 1720

J. Chetwynd
P. Docminique
Martin Bladen
Char. Cooke

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 23.

At the Councill Chamb.r Whitehall the 27 day of September 1720

Present.

Their Excell.cys the Lords Justices in Councill

Francis Nicholson Esq.r being constituted by Commission under y.e Great Seal of Great Britain His Majestys Capt. Genll & Gov.r in Chief of y.e Province of South Carolina. This day took the Oath before their Excell.cys the L.ds Justices in Councill appointed to be taken instead of y.e Oaths of Allegiance & Supremacy together with the Oath appointed to be taken by the Gov.rs of his Maj.ty.s Plantations, for putting in execution y.e Acts of Trade and Navigation.

a true copy.
Edward Southwell.

[Endorsed]

Rec.d Janu 11.th } 1720/21
Read Do.

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 24.

At the Councill Chamb.r Whitehall the 27 day of Sept.r 1720.

Present

Their Excell.cys the Lords Justices in Councill.

Whereas their Excell.cys the Lords Justices in Councill, were pleased to appoint the 11.th of August last, to take into consideracon the complaints of the Inhabitants of South Carolina, containing a Representation of the great grievances and intollerable hardships the said Inhabitants have suffer'd under the late Government of the Lords Proprietors of that Province; Their Excellen.cys accordingly proceeded to hear the complaints by the Council learned in the law, but M.r Attorny Generall then objecting against any further proceeding, in regard he had something to offer on behalf of the crown, and the proprietors of the said Province of Carolina, moving for further time, in order to their Instructing Councill therein; The further hearing of the s.d Complaints, was deferr'd to the 25.th of the said month of August; and at the request of the said Proprietors from that day to the 13.th of this instant Sept.r (at which time their Excell.cys also appointed the Complaints of the Lords Proprietors ag.st the Inhabitants to be likewise heard.) And the said Proprietors Councill moving again that day for a further time, in regard the Lord Carteret their Palatine, (whose presence they alledged

alledged to be very materiall) was not yet returned to England. And also requesting to know, what points Mr Attorny and Sollicitor Generall would insist upon, for their being more fully prepaid to answer the same. Mr Attorny and Solicitor Genll did accordingly by Their Excellencys directions acquaint them, that they should only insist upon the points contained in the aforemention'd Representation of the Inhabitants, And Their Excell.cys were then pleased to order, the whole matter peremptorily to be heard on this day: And the said Proprietors moving again this day by Petition for a further time in regard the said Lord Carteret as the Palatine had severall papers in his custody Which they conceived necessary for their defence: But they not producing any proof in support of the said allegation, And Their Excell.cys the Lords Justices in Council considering, that all the delays abovementioned had arose from the said Proprietors, did proceed to hear Mr Attorny and Solicitor Genll on behalf of ye Crown as well as Counsell on behalf of the Complainants, And the Counsell for the Proprietors of the said Province not offering anything in their defence: Their Excellencys are pleased (upon what Mr Attorny & Solicitor Generall offered) to order as it is hereby Ordered, That Sr Robert Raymond His Majestys Attorny Generall do forthwith bring a Scire facias, for the vacating the Letters Patents made by King Charles the Second, to the Proprietors of the said Province of Carolina, and for resuming the same into the Crown.

A true Copy
Edward Southwell.

[Endorsed] Recd 3 and 11th } 1720/21.
Read Do.

B.P.R.O. A & W.I. Vol. 18. p. 19.

Septembr ye 29th 1720.

Honble Sr

Mr Boon Col Barnwell and myself waited on the Rt Honble the Lords Comicons of Trade and Plantations according to their Lordship's directions and their Lordsps were pleased to discourse with us concerning the papers referred to them by their Excellencys the Lords Justices, and I believe this day their Lordships Report will be layd before their Excellys.

I herewith send you the paper of Proposalls for Presents to ye Indians Signed by the Two Agents and myself.

I find by the Boston News Papers that there are Severall Piratts on those Coasts, that have done a great deal of Mischief; If the Officers of the Board of Ordnance have made a report about Arms &c for the Company I desire that a suitable Number of hand Grenades may be added to the Arms &c being very usefull in case of a close Fight and they will be likewise so at the Fort.

By Our News Papers I find that the Sally men have taken some English vessells and some times they cruise about the Western Islands which

which are in Our way so hand Grenades will be very Usefull agt. them, also a dozen of Brass Cohorn Mortars with proportionable fixt Shells may be of Great use and service on board Our Transports against an Enemy; likewise a dozen of Harquebusses with proportionable Iron Shott and also a dozen of Blunderbusses will be very serviceable on board ye Transports and necessary for the Fort.

The Comissrs of Transports have agreed with ye 2 Ships & they are to be ready (God willing) to sail from hence for Portsmouth & Plymouth by ye 5th of the next Month & ye 3 Months Provisions wch is humbly proposed to be sent may be put on board them, because there is an Acct from Carolina of a Great Drought & Scarcity of Provisions; And part of a Letter to one Mr Baron a Principall Mercht here to those Countrys concerning ye same was given You by him who is

Your Affectionate Friend
and Faithfull humble Servt
Ft Nicholson

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 18.

Charles Town, Carolina 29th Sept.r 1720.

Sir,

By the last acct we have rec'd from our Agent we are given to understand that after our repeated applications to his Majty concerning the affaires of Carolina the old Proprietors have assigned over their Charter to New Proprietors which in our humble opinion is done to avoid & elude that justice we might reasonably hope from his Majesty upon consideration of our circumstances.

The substance of the last Petition to his Majesty sent to our Agent Mr Boone was That his Majty wo'd please to signify unto us his Royall permission that the present Govern.t which is now in perfect peace under the administration of the Honble James Moore Esq.r might continue on the presnt foot till a final determination of our affaires or till his Majty shou'd otherwise think fit to order the same.

We have therefore thought fit now to signify that the new steps taken by the Propr.s have

have not alter'd our former sentiments and that we are very unwilling to enter upon any measures with the New Propr.s till our affairs shall be taken into his Majtys. consideration and such orders to be made thereon as to his Majesty shall be thought reasonable.

If his Majesty shall think fit to confirme their purchase or grant them a new Charter (neither of which do we hope for) then we are desierous that for the peace & wellfare of this Colony a consideration may be had of these Articles sent home to our Agent in a letter of the same date herewith.

The Spanish Governors especially that of St Augustine daily fit out new privateers notwithstanding the cessation which they acknowledge to have notice of and take our vessells continually. We have demanded restitution of severall vessells and goods taken & carryed in St Augustine since the cessation took place in these parts. The Govern.r of St Augustine has rejected those demands so that the Spaniards are left

open

open & at liberty and our hands tyed up
And we know not what steps to take under
the difficulties. The sixth of this instant
they took a ship and a sloop off of the
Capes of Virginia besides those above men-
tioned as will appear by Affidavits sent
to the Lords Commissioners of y^e Admiralty

We are,

Sir,

Your most humble & obedient Servants

Richard Allein — Benja. Schenoking
Richd Bowsford — Sam^l Eveleigh
Jos. Morton — Tho. Smith
Sam. Prolean

Right Honble
M^r Secretary Craggs.

The original of this w^th M^r Sec^y Craggs as
M^r Boon acquainted y^e Board Dec^r 22^d 1720; but y^e
Articles & affidavit above mentioned not come to
his hands

[Endorsed]

Rec^d
Read } 22^d Dec^r 1720

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 12.

[6th October 1720]

To the Rt Honble the Lords Commissrs
of Trade & Plantations.

May it please your Lordsps

Their Excellencies the Lord Justices having been pleas'd on your Lordps Representatn of the 30th of August last to direct a Commission to pass the Great Seal for trying Pirates in South Carolina, but as the same cannot be dispatch'd till proper persons are nam'd for the execution of the said Commission, I humbly pray your Lordships to lay before their Excellencies, in Council the names of such persons as your Lordships shall judge proper for that occasion. And humbly submit it to your Lordships whether a new Commission should not pass the Great Seal for Virginia Maryland & North Carolina.

All which is humbly submitted to your Lordps by My Lords

October 6th 1720.

Your Lordships most obedient
faithful humble Servant,
Jr: Nicholson.

[Endorsed]

Recd
Read } 13th Octo 1720.

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 12.

[Enclosure]

[6th October 1720]

A List of persons proper to be included in a comiccon for trying Pyrates in South Carolina.

Maurice Birchfield Esqr. Surveyr. Genll. of Customs in yt Southern part of yt continent of America.

Colle. William Rhett Surveyor & Comptroll. of the Customs in Carolina & Bahama Islands.

Thomas Broughton Collectr. of yt Customs at Charles Town South Carolina.

William Wigg Searcher of yt Customs at yt same place.

William Hammerton Navll. offr. of So. Carolina.

The above names of persons I recd from yt Rt Honble the Comiccons. of the Customs.

Joseph Lambert, John Emmenes } Lieuts } officers of my Independent Company.
Thomas Merryman Bowdler Esqrs }

Colle. John Barnwell of South Carolina James Smith Esqr. Judge of yt Court of Vice Admiralty.

Captains of yt ships of warr for yt time being.

Octobr. 6th 1720 Fr. Nicholson.

The Councill of Carolina for yt time being.

B.P.R.O. A & W I. Vol. 18. p. 20

(Oct 6th 1720.)

Honble Sr

Their Excys the Lords Justices having been pleased to Signe an Establishmt for the Independt Company designed for South Carolina, but none for me as Governor, nor any other Millitary Officer.

I take the Liberty to inclose to you the Copy of an Establishmt for Govr Phillips which I had from ye Warr Office and I hope the Parliament will allow the like for South Carolina which place in its Psent Confusion and unhappy circumstances can make no better allowance than Nova Scotia &c

you will please to lay this before their Excys and to Observe to them That the difference between Coll: Phillips's pay as Coll: and mine as Capt is 11s a day, besides, he remained a long Time here with his Pay as Govr and had a great many Advantages of his Officers, and the Clothing of his Regiment, none of which I have or am like to have, therefore I humbly hope That some allowance will be made me for the great Expence I have and shall be at in providing Equipage, Necessarys for my voyage, paying my Passage, and passing my

my Comicons; that for Captain bearing Date ye 24th of ye last Month & that for Govr the 26th so that my allowance as such can be but from those days.

I have got from the Offices, the Payments and an Acct of ye Sums Unissued on acct of ye Garrison of Placentia by which it will appear what Savings there are particularly of the Pay of the Govern. or as being Genll and Comandr in Chief of the Forces in Nova Scotia and Newfoundland for which I had no pay therefore I humbly hope I have an Equitable pretence to the said pay, but if their Excellcy will be pleased to Order me the said Savings, It shall be very gratefully acknow-ledged by me not only as a full Sattisfaction on that Acct but likewise for my aforementioned Expences. -

In order to my proceeding on my voyage with all Expedition I have not or shall be wanting in my Duty having attended the Severall Offices my self & Neglected my Private affairs which I never did or ever shall in the least putt in Competition with those of ye Public. And I humbly begg leave to assure their Excys that no Cost or pains in my power shall be wanting thro the Divine Assistance

to

to accomplish what their Excr have been pleased to Instruct me with.—

I humbly Desire their Excys will be pleased for the Honr they have bestowed on me to accept of the most sincere and Grateful Acknowledgements of

Their Excys Most Dutifull
and Faithfull humble Servt
Fr. Nicholson

October 6th 1720

Enclosures to Govr Nicholson's Letter
of October 6th 1720.

1. Endorsed "Payments by Mr Howe on accot for the Garr. of Placentia".
in Govr Nicholson's 6 Octr 1720.

2. Endorsed "An Acct. of Summes unissued by the Rt Honble Robt Walpole Esqre and the Earl of Lincoln for the Garrison of Placentia",
in Govr Nicholson's 6 Oct. 1720.

It has not been thought necessary to copy these.

B.P.R.O. South Carolina B.T. Vol. 25 p. 135.

(7 Oct. 1720.)

To their Excellencies ye Lds. Justices

May it please your Excellencies

In Obedience to your Excellencies Order in Council of the 11th Instant, requiring us to present to your Excellencies ye Names of such Persons as We should think proper for executing a Commission for trying Pirates in South Carolina, We humbly offer to Your Excellencies the Names of such persons as We conceive fit to be inserted in the sd Commission viz.

Jra: Nicholson Esqr His Majestys Captain Genl and Govr in Chief of His Majestys Province of So. Carolina in America, or the Govr or Comr in Chief of the sd Province for the time being.

The Vice Admiral or Vice Admirals of the sd Province for ye time being

The Members of His Majesty's Council in the sd Province for the time being.

Thomas Smith	Saml Eveleigh.
Joseph Morton	Arthr Middleton
Thos Broughton	Richd Beresford
Alexr Parris	Wm Gibbon
John Barnwell.	Wm Bull

and
Charles Hill Esqrs

The

The Judge of the vice Admiralty in South Carolina or the Judge or Judges of the vice Admiralty in in the sd Province for the time being.

The Captains and Commanders of His Majesty's Ships of War within ye Admiralty Jurisdiction of South Carolina for the time being.

The Secretary of the Province of South Carolina for the time being.

The Treasr or Recr Genl of So. Carolina for the time being.

Maurice Birchfield Esqr Surveyor Genl of His Majesty's Customs in the South parts of America, or the sd Surveyor Genl for ye time being.

The first or Chief Justice of ye Provincial or Supreme Court of So. Carolina for the time being.

All which is most humbly Submitted

J. Chetwynd.
Edwd Ashe.
Cha: Cooke.
M: Bladen.

Whitehall
Octor 27th 1720

B.P.R.O A+W.I. Vol. 18. p. 23.

Octobr ye 1st 1720.

My very Good Friend

I forgott to Speak to you about my Establishment as Governor &c which I think will consist of three articles as you may See by Gov. Phillips's Establishment, Pray be pleased to discourse Mr Delafay upon that subject who I hope will be pleased to continue his favour and Friendship to me in this affair as he hath been pleased to do in all ye other and I hope in God that One Time or other I may be able to make You some Retaliation in the Interim

I remain

yor affectionate Friend
and faithfull humble Servt
Fr. Nicholson.

1st

(Enclosure.)

		£. s. d
1st	Coll: Phillips as Coll: & Capt:	1.4.0.
2nd	Do: as Govr: of Annapolis & Placentia	2.14.9½
		3.18.9½

Lt: Govr: of Annapolis Royall	10.-
3d Secry: to the Govr: of Annapolis & Placentia	10.-
Fort Major or Adjutant	4.-
Chaplain	6.8
Comissary of the stores & Provisions	40
Comissary of ye Musters & Judge Advocate	4.0
Fire and Candle	7.0

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 13.

[11th October 1720]

Landgrave Joseph Morton
Coll John Fenwick
William Gibbon
Samuel Eveleigh } Esqrs
Alexandr Parris
Charles Hill Mchant
Arthur Middleton Esqr
Landgt Thomas Smith
Richd Beresford Esqr
Coll James Moore
Collo William Bull
Mr Georg Smith

May itt please yr Lordshipps.

The above is a list of twelve gentlemen & mchants that are of good substance in Carolina & very well affected to his Majesty King George & well qualified to be inserted in yr Comrs for tryall of Pirates as witness our hands this 11th day of Octr 1720

The Custom house offices for the time being are usually added in such Comns

Joseph Boone
Jno Barnwell.

[Endorsed]

Recd
Read } 11th Octor 1720

B. P. R. O. So. Carolina B. T. Vol. 1 A. 14.

At the Council Chamb.r Whitehall the 11.th of Octo.r 1720.

Present

Their Excell.cys the Lords Justices in Council

Their Excellencys in Council having been pleased the 20.th of Sept.r last upon a Representation from the Lords Comiss.rs of Trade and Plantations to order a like Comission to pass under the Great Seale of Great Britain for trying pyrates in South Carolina, as now past for His Majestys other Plantations in 1717. But the said Lords Comiss.rs not having offered the names of Comissionrs to be inserted in the said Comission. Their Excell.cys are this day pleased to order that the said Lords Comiss.rs of Trade, do forthwith present to this Board, the names of such persons as they shall think proper for executing the said comission in South Carolina.

Temple Stanyan.

[Endorsed]

Recd
Read } 13.th Octo.r 1720.

B. P. R. O. A & N. I. Vol. 18. p. 25

Octobr 27th 1720

Honble Sr

I find there is a difficulty concerning agreeing with the Musters of ye Two Transports bound to Carolina, about the Freight of the stores from ye Tower. Therefore I humbly begg their Excellys will please to give Directions to the Comrs of Transports to agree about the said Freight as they have for ye Men and for Provisions from the Victualling Office

The Rt Honble the Lords of the Treasury will this day give Directions concerning ye pcats for the Indians I therefore Pray the Freight thereof may be Agreed by the Comrs of the Transport.

The Comrs of the Victualling not having sent Beer with the other Provisions I wrote to their Secretary and inclosed is a Copy thereof as likewise of his answer to me. I humbly propose that in lieu of that Beer (which would be dear and chargeable for the Freight) That six Hundred Gallons of Geneva be sent from Portsmouth where I hear is the best and cheapest, it is a Drink I find the Soldiers much use and that taking a Dram moderately is very wholesome

wholesom, and will be very Good for the Use of the Men when please God we arrive there.

So soon as Directions are given concerning those things I hope the Ships will sail round for Portsmouth and Plymouth in Order to take the Men on Board at ye first of which they shall be mett by him who is

Yor Obedt and Faithfll humble Servt
Fr Nicholson.

Honble

Copy.

Copy.

To the Secretary of ye victualling Office viz.

Octobr ye 30th 1720

Sr

I was very much concerned to find that the Honble Comrs had made any Scruple about ye Beer wch in my humble Opinion is one of the principall Species of Provisions Necessary for the men bound to Carolina considering that part of it which wee are (God Willing) designed for is very nigh two hundred Miles from any Town, we are to lye in Tents or Hutts and not certain whether we shall find Good Water soon, which considered with ye Season of the Year, Twill be scarce possible to gett Beer or Rhum and ye want of it may endanger the wellbeing of ye men.

The Garrisons of Annoplis Royall and Placentia are among Inhabitants, who have a fixt Trade so that they may have Molasses to make Beer, or Rhum.

If the Honble Commrs think they have not power to provide Beer I hope they will be pleased to Signify ye Same to ye Rt Honble the Lords Comrs of the Admiralty, that their Lordps will be pleased to Order that Beer be sent as one of the Species, and ye Honble Comrs if they please may Order it to be putt on Board

ye

yᵉ Transports here or at Portsmouth or Plymouth proportionable to the other Species.

To give you this Accᵗ I think it a Duty Incumbent on me, therefore I hope yᵉ Honᵇˡᵉ Comᵒʳˢ (to whom pray my humble Service) will not take it amiss

from him who is

Yoʳ Most humble Servᵗ

Fr Nicholson

The Answer.

Sʳ Victualling Office 21 Octobʳ 1720

I have recᵈ and communicated to yᵉ Comᵒʳˢ Yoʳ Letter of Yesterdays Date and am directed to Acquaint you in Answer thereto, that they having already complyed with the Orders they recᵈ, in furnishing the Usuall Species of Provisions for men going to Carolina they cannot do anything more therein without further Directions, as they acquainted you when you was last at the Board

I am

Sʳ

Yoʳ Most humble Servᵗ

Sprig Maneaty.

B. P. R. O. So. Carolina. B. T. Vol. 1. A. 111 & 15.

[27th Oct. 1720]

What may be done to retrieve the desolation of Carolina to strengthen that frontier of our colonies on the continent & to encrease its inhabitants & trade.

To endeavour by all the means possible to recover the amity, friendship & alliance of the Indians, and that may be done by encouraging trade with them under proper laws & restrictions, as viz.

A prohibition upon most severe penaltys the selling of them any thing whatsoever upon trust to prevent their running into debt which was the chief occation of the last warr, being drove thereto by despair to extricate themselves out of it.

To prohibit upon yet greater penalties the selling as a slave any one person of the nations in amity with us throughout the continent & to prevent abuse therein, None but deputies from the publick should have power to buy Indian slaves from those Indians in alliance with us as taken in warr,

ware, which deputies on the publick acct
should be obliged to transport them to the
Islands there to be sold on condition not to
be sent to the contingent again.

To discourage as much as possible the
carrying among the Indians any strong
liquors as rum & brandy & ye buying again
from them such goods as they had bought
before to prevent disputes & animosities.

4thly And in regard the safety & welfare of the
country depends very much upon a good in-
telligence with those natives, altho' no monopoly
of the Indian Trade ought to be allowed
to any body exclusive to other privates
adventurers, yet to keep a good harmony
with the Indians. Certain warehouses at
proper places on the frontiers ought to be
erected on the publick acct furnisht with
the most necessary things for the Indians,
where if they think fitt they may come to
barter their skins at reasonable rates, whereby
they may be encouraged to prefer our alliance
before that of the French or Spanyards, who
having little or no vent for deer skins must

sell

sell them their necessaries much dearer then we can, beside many other reasons too long to minute down.

5thly To oblige by a publick (law puntualy observed) that nobody after such a time may have more negros then ten to a white man, which shall be yearly registred on proper penaltys, whereby ye negros may be presented from rising.

6thly To prevent for the future the prejudice which the subjects of Great Britain & others may receive from the laws that have & may be enacted in Carolina, that

No law that may regard directly or indirectly the subjects of Great Britain (other then those residing actualy in Carolina) ought to have force against them, until examined & ratifyed in England by the King & Councill.

No law to be enacted in Carolina repugnant to ye laws of England.

No law for the future to oblige any body to take paper in payement of debts which hath been the mainspring of the ruin of

that

that province and of the honestest part of France.

A due execution of the laws ratifyed in England, and no protection for those that bids defyance to them, that honest men may be protected and the wikked punisht.

Thus protected & secured by good laws under his Majesties auspicious Government, honest & laborious people will go & settle there, & industrious merchants will adventure their estates to help them, when no more at the discretion of designing men, who under spetious pretences have introduced paper money that they might under the shelter of a law pay their debts, at the rates of 2/6 ₰ pound, and unless the paper coin be sunck and their money be reduced to the old standard according to his Majesties proclamation there will be no safety for honest men to adventure thither.

Steph: Godin	J. Godin	Allard Bessin
D.l Godin	David Guevard	Paul Bowesaint
Philip Cole	John Gressier	John Smyter
Jos: Wyeth	W. Samuel Baron	Daniel Bell
W.m Cripps	Jn.o Lynell	Rich. Simcockes
		Tho: Cole

[Endorsed]

Rec.d
Read } 27.th Octo.r 1720.

B. P. R. C. So. Carolina. B. T. Vol. 1. A.

To the Right Hon^ble the Lords Com^rs for trade & Plantations.

May itt please yo^r Lordsps.

Wee looked upon it as our duty to lay before y^r Lordsps some extracts of a letter sent us from Carolina, relating to the behaviour of the Spaniards of St Augustine: And doe most humbly pray yo^r Lordsps to take such method as in y^r great wisdom may be thought fitting, that Generall Nicholson may receive instructions relating to y^t affair.

Wee further beg y^r Lordsps leave to represent how injurious it is to y^e trade & safety of his majestys subjects trading to Carolina; that any of his majesties subjects should furnish the Spaniards of St Augustine with small armes, great guns or any other military stores, whereby they may be better enabled to fitt out their privateers or cruisers from that Port.

The behaviour of Capt Hilderely Comand^r of his majestys ship y^e Hamborough, in concert w^th Coll William^s Rhett y^e Surveyor of the Customs

of

of y^e Port of Charlestown, in derogation to the Laws of Trade & Navigation is very surprizeing.

We most humbly submitt to y^r Lordsp^s consideration, whether it w^d not be for his Majesty's service, that such Custom House Officers be placed att the severall Ports in the Plantations, who are noe ways either directly or indirectly concearned in forraign trade or are owners of ships or other trading vessells.

All w^ch is submitted by y^r Lordships most obedient servants.

Joseph Boone

Jn^o Barnwell.

B. P. R. O. So. Carolina B. T. Vol. 1. A. 25.

At the Court at St James's the 15th day Novemb.r 1720.

Present.

The Kings most Excell.t maj.ty in Councill.

Upon reading this day at y.e Board a Report from the Lords Commiss.rs of Trade and Plantacon humbly offering the names of persons proper to be commiss.rs for trying pyrates in South Carolina. His Majesty in Councill approving thereof, is pleased to Order, as it is hereby Ordered, that one of his Majesty's Principall Secretarys of State, do prepare a Warrant for his Majesty's Royall signature for y.e passing a Commission, under the Great Seal of Great Britain, for trying Pirates in South Carolina in like manner, as was past for his Majesty's other Plantations in America according to an Order of this Board of the 30th of January 1717. And that there be inserted in the said Commission, the names of such persons to be Commissioners, as are mentioned in the said Report (a copy whereof is hereunto annexed). And it is hereby further Ordered, that the expences of passing the said Commission, be allowed by the Lords Commiss.rs of the Treasury as usuall in like cases.

A true copy

Edward Southwell.

[Endorsed] Recd 11th Jan.y & 1720/21
Read Do

B. P. R. O. South Carolina B. T. Vol. 25 p. 139.

(17th Novr 1720.)

To Josiah Burchett Esqr

Sir,

The Lords Commissrs for Trade and Plantations having received from Mr Boon and Mr Barnwell Agents of Carolina a Memorial with an Extract of a letter from that Province relating to Capt. Hildersley Commander of His Majesty's Ship ye Flamborough trading with the Spaniards at St Augustine and furnishing them with Arms, Ammunition &c their Lordsps have commanded me to send you Extracts of the said Papers, which you will please to lay before the Right Honble the Lords Commissioners of the Admiralty for their Information & Directions therein. I am &c

Whitehall
Novr 17th 1720

Wm Popple

B.P.R.O. A.& N.S. vol. 620.

(17th Nov. 1720)

Sir,

Having received from Mr Boon & Mr Barnwell, Agents for Carolina, a Memorial, with Extracts of Letters from that Province, giving an Accot of the Behaviour of the Spaniards at St Augustine, towards his Majesty's Subjects in those parts, & of some Transactions, wherein Capt Hildersly, Commander of his Majesty's Ship the Flamborough and Col William Rhett Collector of the Customs at Charles Town have been concern'd, We have inclosed Copies of the said Memorial & Extracts, which you will please to lay before his Majesty, with Our humble Opinion,

That as to what relates to the Spaniards, his Majesty's Minister at Madrid, shou'd have Directions to make the most pressing Instances at that Court, that immediate & effectual Order be sent to the Spanish Governor at St Augustine, to avoid such Proceedings for the future.

As to Capt Hildersley & Col Rhett you will be pleased to observe, what is hinted by the Agents, relating to Custom House Officers, to which we take leave to add, that by the Statute of 20th of K. Henry the 6th Cap. 5th which we presume Rt Hon.ble Mr Secry Craggs

is

is in force, "No Customer, Comptroller, Searcher, Surveyor "of Searchers, or their Clerks, Deputies, Ministers, Factors or "Servants shall have any Ship of their own, use Merch- "-andize, keep a Wharf, Inn or Tavern, or be a Factor, "Attorney or Host to a Merchant on pain of forty Pounds "to be divided betwixt the King & the Prosecutor".

We have likewise sent an Extract to the Lords of the Admiralty, of such part of this Letter & Extract, as relates to Capt Hildersley.

We are

Sir

Your most obedient &
most humble Servants,

J: Chetwynd
Charles Cooke
J. Pelham.
M. Bladen

Whitehall
Novr ye 17th 1720

Extract

Extract of a Letter from Col: Moore
Dated at Charles Town in Carolina
Sept: 6th 1720. (17 Nov 1720) inclosure

The Spanish Privateers from St Augustine (from whence they have fitted out 8 or 9) have taken Several Vessels on ours & the Virginian Coasts, and Since We had the Declaration for the Suspension of Arms, I sent thither about 50 Prisoners, and they returned about the same Number by the Same Opportunity. I demanded all the Vessels & goods that they toote Since the time limited, which the Governor refused, tho' they had published the said Proclamation there.

Extract of a Letter from the Commissioners of Correspondence in Carolina

We think it proper to advise you of the bad treatment our Neighbours of St Augustine have given to the English, for altho' the Govr of that place Signifyd by a letter to our Govr that he was informed of the Cessation of Arms from the Havana, and therefore Sent hither a Flagg of Truce for Exchange of Prisoners, yet they have continued to take Our Ships and Vessels, carry them into that Port, and condemn them as lawful Prizes, many have been so Served, Since the limited time in ye Proclamation

Proclamation some Sloops belonging to Our own Port have had that fate, and some Ships & Vessels bound to Virginia and other British Plantations on the Continent, some whereof were richly laden. Our Govern.mt has sent thither a Sloop to demand Restitution of the Sd Vessels and goods; and they have had for answer, they were condemned, and we are to Expect nothing from them. This usage is so base, and so contrary to the law of Nations, that We desire you make a proper Representat.n of it.

Copy.

Copy

To the Right Honorable the Lords Commissrs for Trade & Plaas

May it please your Lordships.

We look'd upon it as Our Duty to lay before your Lordships some Extracts of a Letter sent Us from Carolina, relating to the Behaviour of the Spaniards of St Augustine And do most humbly pray your Lordsps to take such Method as in your Great Wisdom may be thought fitting, that General Nicholson may receive Instructions relating to that Affair.

We further beg your Lordsps Leave to represent how injurious it is to the Trade & Safety of His Majesty's Subjects trading to Carolina, that any of His Majts Subjects shou'd furnish the Spaniards of St Augustine with small Arms, Great Guns or any other Military Stores, whereby they may be better enabled to fit out their Privateers or Cruisers from that Port.

The Behaviour of Capt Hildersley Commander of His Majesty's Ship the Flamborough, in Concert with Colo William Rhett the Surveyor of the Customs of the Port of Charles Town in Derogation to the Laws of Trade & Navigation is very surprizing

We most humbly submit to your Lordship's Consideration

Consideration, whether it would not be for His Majesty's Service, That such Custom House Officers be plac'd at the sevl Ports in the Plantations who are no ways either directly or indirectly concern'd in Foreign Trade or are Owners of Ships or other trading Vessels.

All which is submitted by Your Lordsps most Obedt Servants.

Joseph Boone
Jno Barnwell

Copy

Copy.

Inclosure to

Extract of a Letter from Carolina to Colo Barnwell, Dated the 19th of August 1720.

(17 Nov 1720)

Some short time after you imbark'd a Body of Indians with some Spaniards from St Augustine made a Descent on St Helena, kill'd One Man and took June the Tanner with several Slaves prisoners amongst whom am inform'd you had Three or Four, June with about fifty other White Prisoners are retwined in a Flag of Truce sent there by this Government for that purpose.

We must never expect to live peaceably here whilst the Spaniards are in Possession of Augustine, it is equal to them whether it be Peace or War, that Place is become a Nest of Pirates & Privateers, they have lately taken between Us & New-yorke Fifty or Sixty Sail of Vessels, And are now fitting out several Cruisers who disregarding the Cessation make Prizes of all that come in their Way, some have gone from hence to demand their Vessels taken since the Cessation but to no purpose so that We are in a much worse Condition than if We had actual War with them.

We have had Two or Three Horse Drivers deserted from Us to the French who left some of the

Creek

Creek Traders, and the French who serve us but in kind, protect them, Dreadful will be the consequence of those back Settlements to this Province upon a War with France in case the King does not take Care of us.

It was Rhett Sloop man'd with 50 of Hilderely's Men & victuall'd by the Country who also gave Rhett a Hundred Pounds for the run of his Sloop to carry there about the like Number of Spanish prisoners as She brought back English, It was the Prospect of making a voyage that they had in View, when the Thing was first proposed, & indeed what they did carry, they sold mostly very well, Particularly, Two Chests of Arms containing Guns Swords Pistols &c. And four Great Guns. This thing has made a Mighty Clamour about But Rhett throws it all on Hilderely, and pleads that it was both contrary to his Orders & Knowledge that such Things were carried. And to justify his Innocence produces Copy of a Letter he writ Hilderely, For that as soon as his Sloop return'd he haul'd her Aboard his ship and there discharg'd without ever making any Report to the Custom House Officers (By which means She is in Reality forfeited to the King) &c.

Sign'd William Dry who is One of the Comm^rs appointed to correspond w^th the Agents in Great Britain.

B.P.R.O. South Carolina B.T. Vol. 25 p. 139.

(17 Nov. 1720.)

To Charles Carkesse Esqr.

Sir

The Lords Commissrs for Trade and Plantations having received from Mr Boon and Mr Barnwell Agents of Carolina a Memorial with an Extract of a letter from that Province, relating to Col: Rhett Collector of the Customs at Charles Town's trading with the Spaniards at St Augustine, in violation of the Laws of Trade and Navigation their Lordsps. command me to send you an Extract of the sd Memorial and a Copy of so much of the Letter from Carolina as relates to Mr Rhett and as their Lordsps have observed that by the Statute of 20th of Henry 6th Cap 5th it is provided that "No Customer, Controller, Searcher, Surveyr "of the Searchers, Deputies, Ministers, Factors or "Servants shall have any ship of their own, use "Merchandize, keep a Wharf, Inn or Tavern, or be "a Factor, Attorny or Host to a Merchant on pain "of £40. to be divided betwixt the King and the "Prosecutor" I am to desire you will please to lay this matter before the Honble the Commissrs of

His

His Majestys Customs for their Consideration

I am

Sir,

your most humble

Servant

Wm Popple

Whitehall

Novr 17th 1720

B.P.R.O. A & W.I. Vol. 18. p. 24.

(26th Nov. 1720.)

Francis Nicholson Esqr Governor of the Province of South Carolina, or the Governor thereof for the time being, the Vice Admiral or Vice Admirals of the said Province for the time being, J.L., J.M., J.B., A.P., J.B., W.B., S.E., A.M., R.B., W.G., & C.H. Members of the Council in the sd Province, and the Members of the said Council for the time being, Judge of the Vice admiralty in So Carolina, or the Judge or Judges of the Vice Admiralty in the sd Province for the time being, Captains and Commanders of His Majtys Ships of within the Admiralty Jurisdiction of So Carolina for the time being, the Secry of the said Province for the time being, Treasurer or Receiver Genl there for the time being, Surveyor Genl of the Customs in the South parts of America, or the said Surveyor Genls for the time being, and the first or Chief Justice of the Provincial or Supreme Court of So Carolina for the time being, to be Commissrs at the sd Province So Carolina, for the Examining enquiring of, hearing and adjudging (pursuant to an Act of Parliament made in the Eleventh year of the Reign of King William the Third for the more effectual suppressing of Piracy, now made perpetual by

by an Act of Parliament made in the Sixth Year of the Reign of His late Majty King George the First) in any place at Sea or upon the Land at the said Province of So Carolina, All Piracies, Felonies, & Robberys committed or which shall be committed in or upon the Sea, or within any Haven, River Creek, or Place where the Admiral or Admirals have power Authority or Jurisdiction.

Dat. 26th November 1720.

B P R O South Carolina B 2 vol 1

A 53

3 December 1720

To Wm Popple Esq

Sir

Agreeable to the desire of the Lords Commrs for Trade and Plantations signified in your letter of the 30th August last I am commanded by the Commrs of the Customs to send you herewith Copys of the Lists of Ships which have entered and cleared in the province of South Carolina for three years ending at Christmas last

I am

Sir

Your most obedient Servant

Chas Carkesse

Custom House London

3 December 1720

Recd 3 dec. 1720

Read 26 June 1722

B. P. R. O. A & W. I. Vol. 18. p. 28.

South Carolina 21st Decembr 1720.

Sr

Herewith you'l receive an Introduction to some Informations of Consequence yt I designed to have sent home by Doctor Andrew Rowan & Dr Sinclar, But having yet no manner of Intelligence from thence, of my affairs, and to my great Concerne hearing the vast Confusion yr fall of Stocks has made and fearing it will have a far worse Effect then we can here Expect, I have resolved to delay what I designed to have proposed by yr abovesaid Gentlemn till I can get home myself, That what I shall lay down, may not at this juncture put yr Govrnmt on a rash attempt, & to Employ such as will inevitably disapoint so Glorious an undertaking, that if rightly Executed can't in all humane Probability fayl of Succesee, to yr vast advantage of our Dear Country, and disapointment of all sorts of its Enemies & Competitors; for wch reason I am resolved to wait on you myselfe, Everything yt I have been able to propose having hitherto either been stiffled or a Wrong use made of it since I left London, & to prevent yr like

like for ye future & yt ye Bearer may not be misled as Livett Beauchamp and others has been to my prejudice I have not let him know the contents of what he brings you, But only made him promise to wait an opertunity to deliver you this at your house or when you are entirely at Leasure from your Office. Pray Sir rely & Beleive I have something to impart that is of more Consequence then you can at this distance almost Imagine or beleive, & unlesse I have vastly more Encouragemt to stay then I have hopes to Expect by ye Ships yt I hear are on their departure from Londn to Providence I shall on my returne thither hold myselfe in Readynesse as soon as I can put my affairs in order, & wait no longer then till the beginning of April when, whether I have leave or not I shall return hither & visit Governr Nicholson, & ad what information I may meet here, & then set out for London.

I beg Sir you'l be pleased without Losse of time to honor me with a few Lines & ye Bearer has orders how to dispatch it hither yt I may meet his Majestys leave of Absence, if not Obtained before, Though if it is not here in time, I shall not

not wait depending it is granted or will be by
that time. I intend to send. Doctr Rowan on
pretence 'tis on trade to yr Havana where he will
be well received & from thence I beleive he must
go to Movill & Pansecola. unlesse I can get intel-
ligence by some other good hands, Pray God
France, & Spain, don't joyne abroad, the French
now most certainly drives at it, & I am sorry
to find so great a prospect of Effecting it; But yet
I beg good Sir; yt nothing this Way may be sett
on foot to prevent it, without proper Measures
are first very well Concerted, for if you Employ
an Expedition in these parts as accustomary it
will most certainly miscarry & it is time enough
& will be so after my arrival, & yr Consequence
of a Miscarriage may be pernicious, & disapoint
anything of Consequence after my arrival; Indeed
Sir I am as sure as it is possible a man can
be before he has been employed, yt what I shall
advance may be Executed before its known in
Europe, & if began with a noyse or Even discovered
by either France or Spain too Early at home in Europe
yr whole may be disapointed wch can't if prudently
undertaken, I long to demonstrate what I here do

but

but hint at;

I have now wrot Govern^{r} Pitt & Paul Docminique Esq^{r} each a Long letter y^{t} they may appear my Patrons to y^{e} rest of y^{e} concerned if in Earnest to improve y^{e} Bahama Islands: & I beleive one or both of them will wait on you in my behalfe; But I beg this letter may'nt be known to them, & please to assure yourselfe I shall not impart any more to any one till I see you. I have only told them, I had affairs of importance to y^{e} publick & y^{e} Co partners for improving y^{e} Bahama Islands w^{ch} had made me resolve to sett out for London in april next.

Be pleased to pardon this hasty Letter I am not well enough nor have I time to copey it over better, neither do I care to trust any one Else to do it for me, I shall if I have time & health write you more on this head before I depart for Providence, to forward by the next ship y^{t} sayles hence.

I Pray God direct you & all true Englishmen in y^{e} most Effectual manner to prevent y^{e} misfortunes y^{t} now threaten our Dear Country, for I am with y^{e} utmost Zeal for his Majesty's Service & y^{e} true Interest of my Country. — Sir

Y^{r} y^{e} letter of y^{e} 18th of July 1719 is y^{e} last I am honored wth from you.

your most faithfull & most devoted obed^{t} humble Serv^{t}

Woodes Rogers

R^{t} Hon^{ble} M^{r} Secretary Craggs.

B.P.R.O. A+W.I. Vol. 18. p. 32.

(Dec. 24. 1720.)

My Lord, Capt Aicult

having Orders to waight on your Excellency. Gives me an Opportunity of Renewing my former Petitions of your Excellencys Grace and Favoure in my Behalf, I am informed my Enemyes Have taken opportunity in your Excellencys Absence to Seek to undermine me to the Rest of the Lords my Masters Perticularly Mr Trott who is makeing Interest for a young Fellow of this Place croffts. But as I have allways had due regard & Obedence to your Excellency and Lord. I humbly Hope your Clemency will still continue towards me and Support me in the Commission you have been Pleased to Honr me with who am with all Respects

My Lord

your Excellencys

most Devoted most

Obedt Humle Servant

William Hammerton

S. Carolina

Decr 24. 1720

B P R O Journals B T vol 30 for the Year 1720

Whitehall 4 Feb. 1720

At a Meeting of His Majestys Commrs for Trade & Plantations

Present

Mr Chetwynd Mr Docminique

Sir Chas Cooke Mr Molesworth

Mr Bladen

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Carolina A Letter from the Governor & Council of South Carolina to the Board Dated at Charles Town the 6 November 1719. transmitting Copy of Two letters to the Governor with an account of the miserable state of that province was likewise read. And their Lordships agreed to take that matter into further Consideration at the first Opportunity

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16 February 1720

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Carolina A letter from Mr Carkesse inclosing the Copy of one from Mr Rhett Surveyor of the Customs in Carolina relating to the Governors and the Officers under him being deposd & new ones set up by the people was read. And orderd that the Draught of a Letter be prepard to Mr Secretary Craggs upon that matter

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18 February 1720

Carolina A Letter from the new-pretended Council & Assembly of Carolina Dated at Charles Town the 24th of Decr 1719 relating to their having deposed their Govr &c was read Whereupon a Letter inclosing a copy of the same to Mr Secretary Craggs was immediately drawn up & signed

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10 June 1720

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Carolina Mr Boon one of the Agents for Carolina attending communicated to the Board a printed paper Intituled a true state of the Case between the Inhabitants of South Carolina and the Lords Proprietors of that Province. containing an account of the grievances under which they labour

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28 July 1720

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Carolina The Honble Mr Ashley and Mr Danson. Two of the Lords proprietors of Carolina attending with Mr Shelton their Secretary Inquiry was made of them by the Board as to the present condition of that province and several other matters concerning the same Whereupon they answered that they had no accounts from Carolina for this Month past but expected Advices by a Ship which comes in to day

to day. That they heard there had been an Insurrection of Negroes in one part of the province which had been happily suppressed and that those which escaped were fled to the Spaniards at St. Augustine. That they had likewise been informed that the persons who have lately taken upon them the Government of that province had with their Assembly £2500 upon the people for the support of their pretended Government. That of late Years the number of Negroes has much increas'd in proportion to that of White people in Carolina the number of fighting White Men being computed at no more than from 1500 to 2000 and their Negroes at 14 or 15000. That there may be in Carolina abt 2000 Families of White people. Thô they had more formerly before the French settled at Mobille and the difficulties the Province of Carolina have been under on account of that settlement and the Indian War. As to Forts or Fortifications they said the only Fort they had of strength was at Charles Town thô they had a slight Fort with a Garrison up the Savanna River. That they heard the French deserted Pansacola in the Bay of Mexico That most of the Maps yet extant of those parts are erroneus as Colo. Barnwell who is reported to be among the English the best acquainted with that Country reports and who is now preparing a new Map of it. That as to their Indian neighbors they had made a peace with the Yamasees by the assistance of their Friends the Cherikees. In regard to the Trade of Carolina these Gentlemen said their Chief produce was Rice pitch and Tar which had increased for some Years past That they had a

good

good Breed of Cattle & design'd to proceed in raising Hemp & Flax. That they were informed the province had produced this Year 20,000 barrels of Rice. Their Lordships further inquiring what might be the number and Tonnage of the shipping belonging to the province they gave no particular account of them but acquainted the Board that they had repealed some acts of that province which had favor'd the ships of Carolina and laid duties on other British shipping. And the Board then desired in writing an account of the state of affairs of Carolina since the late disorders in the Government there which these Gentlemen promis'd so soon as the advices now expected are received.

Their Lordships then taking notice to Mr Ashley and Mr Danson of a Report spread abroad as if the Lords proprietors of Carolina had dispos'd or were negotiating for the disposal of their Government & property in Carolina and recommending it to them that His Majty might have the refusal thereof they acknowledged that they were in Treaty for disposing of it and hoped this Board would be of opinion that the Measures they took were most for His Majestys and the public service And they observed the necessity of strengthning that province with White people wch they alledged would be more effectually done by a number of Merchants, some of whom would go to Carolina themselves by whose United purse a good number of Men and Families might be transported thither. than if His Majty and the Government were at the charge of sending over soldiers. These Gentlemen being withdrawn Ordered that Mr Danson be desired to bring Colo Barnwell abovementioned to the Board on Tuesday morning next.

15 August 1720

Carolina An Order of Council of the 11th Instant for taking the Government of Carolina provisionally into the Hands of the Crown and requiring this Board to prepare a Commission & Instructions for a Governor to be appointed by His Majty over that Province was read Whereupon the Draught of a Commission for that purpose being laid before their Lordships a Progress was made in the Consideration thereof And ordered that Mr Boon be acquainted that this Board desire to speak with him to-morrow morning

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16 August 1720

Carolina The Draught of a Commission for a Governor to be appointed by His Majesty over the Province of Carolina, as mentioned in the Minutes of the last Meeting, was agreed, and a Representation wherewith to lay the same before their Excellencies the Lords Justices was drawn up and signd

Mr Boon Agent for Carolina attending as desird and bringing with him Col. Barnwell who said he left that Province in March last They were askd several Questions relating to the situation, Governmt and Strength &c both of that Part wch is called North Carolina and that which is known by the name of South Carolina Whereupon they said that tho the Lords Proprietors have but one Charter for Carolina in General comprehending both the North and South Parts Yet the said Lords Proprietors had found it necessary to divide those Parts into two distinct Governments which are now Independent of each other in all Respects having different Assemblies Laws & Courts of Justice, and but little Communication with each other except that when the People of North Carolina have been in

Danger

Danger from the Indians they have been supported from South Carolina. But that the Lords Proprietors have some times constituted their Gov.r of South Carolina Governor in Chief of the whole with power to appoint a Deputy Gov.r for North Carolina That there is the same Original Foundation of Govern.t in both Provinces And that tho they were strangers as to any Complaint ag.t the Governm.t of North Carolina yet if his Majesty should resume the Government of ~~so so~~ Carolina they were of opinion it must be of the whole That the major part of North Carolina belong'd to Virginia before the Second Grant of Carolina to the Lords ~~so~~ Proprietors. and is now only seperated from Virginia by a River whereas there is a Vast uninhabited Wood between North and South Carolina the seat of Government of the one being about 400 miles from the other, so that if hereafter it should not be thought proper to continue North Carolina a seperate Government. they thought it might easiest be united with Virginia. As to the Fortifications in Carolina they said Charles Town was since the late Alarm of an invasion from the Spaniards pretty well fortified all round at the Expence of the Inhabitants That at Savannah Town about 1140 Miles up into the Country from Charles Town and to which there is Water Carriage there is a Garrison of 40 Men who are paid by the Indian Traders & another Garrison at a place called Congeree. That the French make Incroachments on our Frontiers having lately seiz'd a Settlement which the English were possessed of. That the method of the French is to Build Forts on their Frontiers which it would be our Interest to do likewise not only to preserve our Trade with the Indians & their Dependance upon us but to preserve our Boundaries. That the French particularly pretend

a Right

a Right to the River May and that therefore it would be more immediately necessary for us to possess ourselves of the Mouth of that River That the People of Carolina have now the Trade with Cherikee Indians in the Mountains. whose nearest Town is 280 Miles distance from Charles Town. That they have a Garrison at Port Royal which is 150 Miles from the Spanish Settlem.ts at S.t Agustine that as to the French Settlements near the mouth of the Mississipi Deserters from them Report that 4000 men have already been sent thither from France.

Their Lordships then desird M.r Boon to communicate to Col. Barnwell the Queries lately sent him Concerning Carolina. and that they would both give their Answers thereto with what else they might have to offer in relation to that province which they promised accordingly.

M.r Boon having left with their Lordships the 5 Papers undermen.rd the same were read Viz.t Abstract of a Letter to M.r Boon. Dated in Carolina the 24.th June 1720: Copy of a Petition of the Inhabitants of South Carolina to His Majesty: Copy of a Letter from the Commons House of Assembly to Gov.r Moore. Copy of an Act for the better supporting of the Public Credit of Carolina: Copy of an Act for supporting the Government of Carolina under Gov.r Moore. or any succeeding Governor

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19 August 1720

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Carolina A Letter from M.r delafaye. Dated yesterday signifying their Excellencies the Lords Justices Directions that this Board give all possible

Dispatch

Dispatch to their Report of what is further necessary to be done for the safety of Carolina was read: and their Lordships made a progress in the consideration of that matter

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23 August 1720

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Carolina Mr. Joseph Boon and Col. Barnwell attending they presented to the Board their Answers to the several Queries lately sent them concerning Carolina as also three other Papers undermentioned viz.t An account of the proper places fit for Garrisons in Carolina & the absolute necessity of doing the same speedily: Account of the distances from Charles Town to several Settlem.ts & Rivers in Carolina & between each other: Description of Pensecola Mobile and Missisipi River. all which were severally read And their Lord.ps having some Discourse with Mr. Boon & Col. Barnwell in relation to the said province. the said among other things (the substance whereof is contained in the said papers) that as to the Trade from the Maderas. Carolina might take thence annually from 230 to 250 pipes of Wine That the trade for skins is decreas'd by reason of the late Wars with the Indians and the French incroachments. That as to the management of the Indian Trade the Colonies of Virginia and Carolina pursued their seperate Interest with them the Traders of one Colony depreciating and lessening the other to the Indians and even supplying their Indian Enemy's with Arms That one reason of the Decrease of the White people in Carolina is that the Land Office as it is called there is shut up and that the Lords proprietors have requird all new purchases to be

made

made with them here in Great Britain. And Col. Barnwell observed that the River Alatamaha is called by the French the River May

Their Lordships then taking into consideration the want of the Naval Officers Accounts from Carolina. Order'd that a Letter be writ to Mr. Carkesse for a Copy thereof for Three Years past

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25 August 1720

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Their Lordships then made a progress in considering a Draught of Instructions for a Govr. of Carolina and agreed to proceed again therein at the next Meeting

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26 August 1720

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Carolina Their Lordships then made a further progress in Considering the Draught of Instructions for a Governor of Carolina and agreed the draught of an Advertisement in the following terms in the next Gazette

"His Majesty in pursuance of an Address of the House of Commons pre-
"sented last Sessions of Parliament having commanded the Right Hon.ble
"the Lords Commrs for Trade and Plantations to consider of and propose some
"effectual Method for preventing the Exportation of Wool into Foreign parts
"in order to be laid before His Majesty and both Houses of Parliament
"next sessions The said Lords Commrs having the same under Consid.n
"do hereby give notice that they have appointed every Thursday during
"the

the Month of Sept.r to receive proposals from and discourse with any persons concerning the same at their office in the Cockpit in Whitehal

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27 August 1720

Carolina Their Lordships made a further progress in considering the Draught of Instructions for a Gov.r of Carolina and agreed the Draught of a Rep.n wherewith to lay the same before their Excellencies the Lords Justices and relating particularly to the State and Defence of the provinces of Carolina and Nova Scotia

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30 August 1720

Carolina The Draught of Instructions for a Gov.r of Carolina was agreed and being transcribed with the usual Instructions which particularly relate to the Acts of Trade and Navigation a Representa.n was signed wherewith to lay the same before their Excellencies the Lords Justices and concerning the State and Defence of the provinces of Carolina and Nova Scotia

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15 September 1720

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Carolina Mr. Boon Agent for Carolina & Col. Barnwell attending acquainted the Board that upon some Advertisements now published by Sr. Robt. Montgomery they were apprehensive that some disputes might arise between the Officers or Forces excpected to be sent by His Majesty to that province & such persons as Sr. Robert

may

may send to the Golden Islands one of which Islands lies in the Mouth of the River Allatamaha which has been proposed to be secur'd Whereupon their Lord.ps signified to these Gentlemen that the Government of Carolina being provisionally assum'd to the Crown no power of Government deriv'd from the Lords Prop.rs could at present interfere with His Majestys Authority, but that in this Affair their proper application would be to the Lords Justices

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16 September 1720

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A Letter from Mr. Delafaye of yesterdays date inclosing by order of their Excellencies the Lords Justices the extract of a letter from Sir Robt. Sutton His Majs. Ambassador at Paris with a copy of a Memorial he received from the Archbishop of Cambray concerning the Fishery at Canceau As also inclosing several papers offer'd by Genl. Nicholson appointed Govr. of Carolina relating to that province for the Opinion of this Board, thereupon was read together with the several papers referr'd to in the said Letter All which their Lordships agreed to take into further Consideration at their next meeting

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22 September 1720

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Carolina Genl. Nicholson and Col. Barnwell attending their Lord.ps took into further consideration the several papers referr'd to this Board by Mr. Delafays Letter of the 15th. instant. relating to Stores of War and other

other necessaries for Carolina. And after some discourse with those Gentlemen thereupon. Their Lordships gave directions for preparing the Draught of a Representation to their Excellencies the Lords Justices on that subject

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11 October 1720

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Carolina A memorial from Gen.l Nicholson Gov.r of Carolina relating to Commissioners for triying Pirates in that province with a List of persons propos'd by him to be of the same Commission were read. And Mr. Boon Agent for Carolina attending on the same occasion and being desir'd to name such persons as they would propose for Comm.rs to try Pirates in Carolina they prepared a List of such persons and presented the same to the Board wch was read And their Lord.ps agreed to reconsider both the said Lists at the next Meeting

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18 October 1720

Carolina Gen.l Nicholson Governor of Carolina attending with Colonel Barnwell and Mr. Boon Their Lord.ps took into consideration the Lists before them of persons propos'd to be Comm.rs for triying pirates in Carolina and the said Lists being read their Lord.ps had some discourse with these Gentlemen as to the characters of the persons therein named & the Board agreed to reconsider the same at another opportunity in the mean time Order'd that Mr. Westone of His Maj.ts Counsel at Law be acquainted that their Lordships desire to speak with him.

25 October 1720

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Carolina Mr West one of His Majs Counsel at Law attending as desird their Lordships had some discourse with him relating to the new Commission preparing to pass the Great Seal for triying Pirates in His Majs province of South Carolina. And being particularly askd his opinion whether said new Commission might not repeal or vacate so much of the Commn now in force for triying Pirates in Virginia Carolina & Maryland as relates to South Carolina & leave what relates to the other Colonies in force. he said he did not think it would vacate any part of the said Commission but that a new Commission for South Carolina only would create a new concurrent Jurisdiction for that Province

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4 November 1720

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A memorial from Mr Boon and Col Barnwell together with an Extract of a Letter from Carolina relating to the seizure of several British Vessels by the Spaniards of St Augustine on the Coast of Florida and to the said Spaniards being furnished with Arms and Stores of War by Capt Hildersly of His Majestys Ship Hamborough in Concert with Colo Wm Rhet Surveyr of the Customs at Charles Town in Carolina for goods in rehera not reported to the Custom House there were read Whereupon directions were given for preparing a Letter to Mr Burchet wherewith to transmit to him a Copy of so much of the said Memorial and Extract as relates to Capt Hildersly to be

to be laid before the Lords of the Admty as likewise another Letter to Mr Carkesse for transmitting to him a Copy of so much thereof as relates to Coll.o Rhet to be laid before the Commrs of His Majestys Customs and the Draught of a Representation for laying a Copy of the whole before the Lords Justices for their Excellencies directions thereon.

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17 November 1720

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Carolina The Draught of a Letter to Mr Secretary Craggs upon a Memorial and Extracts of Letters received from Mr Boon & Coll.o Barnwell relating to several Seizures made by the Spaniards at St Augustine of British Ships &c since the suspension of Arms, as also concerning some Transactions wherein Capt Hildersley of His Majes.ty Ship Flamborough & Coll.o Rhett Collector of the Customs, at Carolina have been concerned was agreed & signed

The Draughts of Letters from the Secretary of this Board to Mr Burchet & Mr Carkesse inclosing to the former Extracts of such Parts of the said Memorial &c as relate to Capt Hildersly. And to the latter Extracts of such other parts as relate to Coll.o Rhett for the respective Information and Directions of the Lords of the Admiralty and Commissioners of His Majes.ty Customs were agreed and ordered to be sent.

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22 December 1720

Carolina Mr Boon agent for Carolina attending presented to their Lordships the Copy of a Letter from several Gentlemen of that Province to Mr Secretary Craggs Dated at Charles Town the 29th of September last relating to their unwillingness to be under the Government of the Lords proprietors or their Assigns, and to the Spaniards from St Augustin taking several of their ships notwithstanding the Cessation of Arms which was read And he acquainted the Board that the original of the said Letter had been delivered to Mr Secretary Craggs. but that the Articles and Affidavit mentioned in the said Letter were not come to hand